



Homeland  
Security

June 20, 2013

(b)(6)

Worcester, MA 01603

Re: Complaint No. 10-07-ICE-0103

(b)(6)

Dear Ms. (b)(6)

On April 29, 2010, CRCL received your complaint in regard to the administrative arrest at your house of your live-in boyfriend, (b)(6) by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) agents. We apologize for our delayed response.

You alleged that at 6:45am on February 2, 2010, local Worcester, Massachusetts police knocked on the front door of your home and announced themselves. When you opened the door, the Worcester police did not enter your home, but ICE HSI agents who were also present forced their way into your home to serve a warrant of removal on your live-in boyfriend, Mr. (b)(6). You alleged that you asked the HSI agents for identification, but you were ignored. You also alleged that the HSI agents went upstairs to your bedroom, where they found Mr. (b)(6) interrogated him, and searched the bedroom, and that the HSI agents did not let you and your 17-year old son get up from your couch during this time.

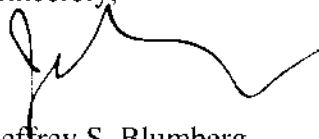
Additionally, you alleged that one HSI agent searched your basement without your permission. Finally, in an affidavit that Mr. (b)(6) submitted with your complaint, he stated that as he was being taken in handcuffs from the house to the ICE transport vehicle, he felt compelled to consent to the warrantless search of his car and that upon arrival at the ICE office he was questioned for an hour and a half before he was *Mirandized*.

This Office has completed our investigation into the allegations in your complaint. CRCL was provided an affidavit from one of the HSI special agents (SA) involved. The SA stated that you gave consent for the HSI SAs to enter your home, that Mr. (b)(6) gave permission for the SAs to search the bedroom, and that when you stated that you did not want your house searched anymore, they complied with your request. Further, the SA stated that Mr. (b)(6) gave permission for the SAs to search his car, and that he was *Mirandized* before being questioned when he arrived at the Boston ICE office. Based on the sworn affidavit provided by the ICE SA involved in this matter, we are unable to substantiate the allegations in your complaint, and we are closing it at this time.

However, since we received your complaint, ICE Enforcement and Removal Operations (ERO) has taken over responsibility for serving warrants of removal. CRCL is working with ERO on formalizing policies governing how ERO may serve warrants of removal, including issues relating to consent.

We appreciate you bringing this matter to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov)

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)**  
**COMPLAINT WITHOUT RECOMMENDATIONS**  
**CLOSURE MEMORANDUM**

To: Jeffrey S. Blumberg  
From: (b)(6)  
Date: June 24, 2013  
Complaint Number: 10-07-ICE-0103  
Complainant Name (Alien Number): (b)(6)

**Reason(s) for Closure without Recommendations (check all that apply):**

(b)(5)

**Complaint Synopsis and Explanation of Closing Rationale:**

On April 29, 2010, CRCL received a complaint from U.S. Citizen (b)(6) in regard to the administrative arrest at her house of her live-in boyfriend, (b)(6) by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) agents via a civil administrative ICE I-205 warrant of removal. A warrant of removal differs from a criminal warrant signed by an Article I or Article III judge in that whomever serves the warrant of removal is not authorized to enter one's home absent consent.

In her complaint, Ms. (b)(6) alleged that at 6:45am on February 2, 2010, local Worcester, Massachusetts police knocked on the front door of her home and announced themselves. When she opened the door, the Worcester police did not enter her home, but ICE HSI agents who were also present forced their way into her home to serve a warrant of removal on her live-in boyfriend, Mr. (b)(6). Ms. (b)(6) alleged that she asked the HSI agents for identification, but she was ignored. She alleged that the HSI agents went upstairs to her bedroom, where they found Mr. (b)(6) interrogated him, and searched the bedroom, and that the HSI agents did not let her and her 17-year old son get up from her couch during this time.

Ms. (b)(6) also alleged that one HSI agent searched her basement without her permission. Finally, in an affidavit that Mr. (b)(6) submitted with the complaint, he stated that as he was being taken in handcuffs from the house to the ICE transport vehicle, he felt compelled to consent to the warrantless search of his car and that upon arrival at the ICE office he was questioned for an hour and a half before he was *Mirandized*.

CRCL investigated this complaint, and on December 8, 2010,

(b)(5),(b)(6),(b)(7)(C)

**From:** (b)(6) mailto:(b)(6)

**Sent:** Sunday, July 18, 2010 8:13 AM

**To:** CRCL

**Subject:** Complaint # 10-07-ICE-0103

To whom this concern:

I, (b)(6) sent a letter of complaint to you office on April 17th 2010 regarding an incident in my home in February. I received a letter on or around June 11th of 2010 confirming that your office received my complaint but have not heard anything else since. I am very interested in finding out if anyone has been assigned to investigate this matter and any recent information. The complaint # is 10-07-ICE-0103 regarding (b)(6) Please feel free to e-mail me at (b)(6); also my home phone number is (508) (b)(6) my home address is (b)(6) in Worcester, Ma. 01603. Thank you in advance for your time, (b)(6)



**Homeland  
Security**

June 7, 2010

(b)(6)

Worcester, MA 01603

Re: Complaint No. 10-07-ICE-0103

(b)(6)

Dear

(b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on April 29, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at [crcl@dhs.gov](mailto:crcl@dhs.gov) or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For

additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties

Cop[y/ies] to:

(b)(6)

Plymouth, PA 02360

Enclosure























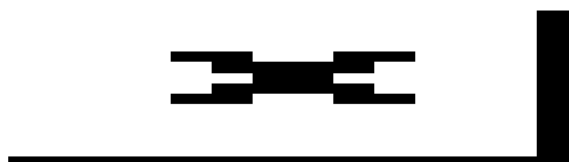








**From:** (b)(6)@dhs.gov]  
**Sent:** Wednesday, June 02, 2010 7:57 AM  
**To:** (b)(6)  
**Subject:** RE: Complaint No. 10-07-ICE-0103



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6) [mailto:(b)(6)@associates.dhs.gov]  
**Sent:** Wednesday, May 26, 2010 4:25 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** Complaint No. 10-07-ICE-0103

Please Review.

When local police knocked on Ms. (b)(6) door at 6:45am, she opened her door. ICE officers pushed their way in and began searching her drawers, closets, filing cabinets and

rooms. She and her son were made to sit while the search was conducted. No explanation for the search was provided, despite her son's protest. Ms. (b)(6) asked for a warrant and ID, but none were provided. ICE arrested her fiancé, Mr. (b)(6) and told her that if she provided information on other people they would help her get her fiancé out of trouble. She feels discriminated against because they are Hispanic and the ICE officers were white.

ICE asked Mr. (b)(6) if there were firearms or drugs in the house. He told them "no." He was not read his Miranda rights. ICE asked if they could search his vehicle, and he said "yes." ICE told him that they were informed he was a drug dealer. He denied the accusation. When they arrived at the immigration building, the officers took their weapons and interrogated him for three hours. A translator was provided, but Mr. (b)(6) was nervous and states that he did not fully understand the papers that he signed. Mr. (b)(6) is currently at the Plymouth County Correctional Facility

Thank You,

(b)(6)  
Review and Compliance Division

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
(202) 357-(b)(6) V)  
(202) 401-4708(F)

## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: 10-07-ICE-0103 (b)(6)

| Data Object  | Date             | Event          | Field                                                                            | New Value | Tracking Id | User   | Reason      |
|--------------|------------------|----------------|----------------------------------------------------------------------------------|-----------|-------------|--------|-------------|
| DhsComplaint | 2014-02-20 16:34 | Update         | Days to Process                                                                  | 1154      | 6653        | (b)(6) | User Change |
| DhsComplaint | 2010-05-26 17:48 | Created        | Task                                                                             |           | 6653        |        | migrated    |
| DhsComplaint | 2010-05-26 17:48 | Created        |                                                                                  |           | 6653        |        | migrated    |
| DhsComplaint | 2010-05-26 17:48 | Edited         |                                                                                  |           | 6653        |        | migrated    |
| DhsComplaint | 2010-05-26 17:48 | Edited         | Task:Assignment: Assigned matter From (b)(6) To: DHS Due:2010-10-26 17:00:41.547 |           | 6653        |        | migrated    |
| DhsComplaint | 2010-05-26 17:51 | Edited         |                                                                                  |           | 6653        |        | migrated    |
| DhsComplaint | 2010-05-26 17:51 | Note Added     | Sent to IG:                                                                      |           | 6653        |        | migrated    |
| DhsComplaint | 2010-06-04 16:14 | Document Added | Document: RE Complaint No. 10-07-ICE-0103 From IG                                |           | 6653        |        | migrated    |
| DhsComplaint | 2010-06-07 13:00 | Document Added | Document: Incoming Complaint- (b)(6)                                             |           | 6653        |        | migrated    |
| DhsComplaint | 2010-06-07 13:00 | Document Added | Document: Acknowledgement Letter (b)(6)                                          |           | 6653        |        | migrated    |
| DhsComplaint | 2010-06-07 13:01 | Edited         |                                                                                  |           | 6653        |        | migrated    |
| DhsComplaint | 2010-06-07 13:01 | Note Added     | From IG:                                                                         |           | 6653        |        | migrated    |
| DhsComplaint | 2010-06-07 13:01 | Edited         |                                                                                  |           | 6653        |        | migrated    |
| DhsComplaint | 2010-06-07 13:01 | Note Added     | To awaiting Recommendation:                                                      |           | 6653        |        | migrated    |
| DhsComplaint | 2010-07-01 15:02 | Note Added     | Recommendation (b)(5),(b)(6)                                                     |           | 6653        |        | migrated    |
| DhsComplaint | 2010-07-01       | Edited         |                                                                                  |           | 6653        |        | migrated    |

DHS-004-0000023

|                    |                  |                |                                                                                                                                                                                                                                                                                 |        |  |             |
|--------------------|------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--|-------------|
|                    | 15:02            |                | Task:Assignment:<br>Assigned matter                                                                                                                                                                                                                                             |        |  | (b)(6)      |
| DhsComplaint       | 2010-07-15 17:22 | Edited         | From: (b)(6)<br>To: (b)(6)<br>Due: 2010-10-26 17:00:41.0                                                                                                                                                                                                                        | 6653   |  | migrated    |
| DhsComplaint       | 2010-07-15 17:22 | Note Added     | Approved (to Back From Officer): Approved.                                                                                                                                                                                                                                      | 6653   |  | migrated    |
| DhsComplaint       | 2010-07-15 17:22 | Edited         |                                                                                                                                                                                                                                                                                 | 6653   |  | migrated    |
| DhsComplaint       | 2010-09-03 10:01 | Document Added | Document: 7 18<br>2010 (b)(6) email                                                                                                                                                                                                                                             | 6653   |  | migrated    |
| DhsComplaint       | 2010-09-29 13:54 | Create         | From Matters migration                                                                                                                                                                                                                                                          | 6653   |  | migration   |
| DhsComplaint       | 2012-07-17 12:22 | Update         | Days to Process 810                                                                                                                                                                                                                                                             | 6653   |  | User Change |
| DhsComplaint       | 2012-07-17 12:22 | Update         | Complaint Group Listing (b)(5)                                                                                                                                                                                                                                                  | 6653   |  | User Change |
| DhsComplaintAction | 2013-06-26 09:56 | Create         | Action Closed - Short Form/No Further Action                                                                                                                                                                                                                                    | 110653 |  | User Change |
| DhsComplaintAction | 2013-06-26 09:56 | Create         | Reporting Summary The complainant alleged that at 6:45am on February 2, 2010, Worcester, Massachusetts police knocked on the front door of her home and announced themselves. When she opened the door, the Worcester police did not enter her home, but ICE HSI agents who wer | 110653 |  | User Change |
| DhsComplaintAction | 2013-06-26 09:56 | Create         | Action Date 06/26/2013                                                                                                                                                                                                                                                          | 110653 |  | User Change |
| DhsComplaintAction | 2013-06-26 09:56 | Create         | Document 10-07-ICE-0103 close memo FINAL.pdf                                                                                                                                                                                                                                    | 110653 |  | User Change |
| DhsComplaintAction | 2013-06-26 09:56 | Create         | Internal Summary The complainant alleged that at 6:45am on February 2, 2010, Worcester, Massachusetts police knocked on the front door of her home and announced themselves. When she opened the door, the Worcester police did not enter her home, but ICE HSI agents who wer  | 110653 |  | User Change |



|                      |                  |        |                        |                                                 |        |        |             |
|----------------------|------------------|--------|------------------------|-------------------------------------------------|--------|--------|-------------|
| DhsComplaintAction   | 2011-02-03 14:00 | Create | Action Date            | 02/03/2011                                      | 103340 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-02-03 14:00 | Create | Action                 | Short Form                                      | 103340 |        | User Change |
| DhsComplaintDocument | 2013-07-30 11:01 | Create | Foreign Language       | No                                              | 91565  |        | User Change |
| DhsComplaintDocument | 2013-07-30 11:01 | Create | Document 1             | 07.01.2013 RTS (b)(6) pdf                       | 91565  |        | User Change |
| DhsComplaintDocument | 2013-07-30 11:01 | Create | Dateentered            | 07/30/2013                                      | 91565  |        | User Change |
| DhsComplaintDocument | 2013-07-30 11:01 | Create | Comments               | Letter to (b)(6) (b)(6) returned on 07.01.2013. | 91565  |        | User Change |
| DhsComplaintDocument | 2013-07-30 11:01 | Create | Document Type          | Incoming Letter                                 | 91565  |        | User Change |
| DhsComplaintDocument | 2013-06-26 09:51 | Create | Document 1             | 10-07-ICE-0103 close letter FINAL.pdf           | 91110  |        | User Change |
| DhsComplaintDocument | 2013-06-26 09:51 | Create | Document 2             | 10-07-ICE-0103 close memo FINAL.pdf             | 91110  |        | User Change |
| DhsComplaintDocument | 2013-06-26 09:51 | Create | Foreign Language       | No                                              | 91110  |        | User Change |
| DhsComplaintDocument | 2013-06-26 09:51 | Create | Dateentered            | 06/26/2013                                      | 91110  |        | User Change |
| DhsComplaintDocument | 2013-06-26 09:51 | Create | Document Type          | Closed Letter                                   | 91110  |        | User Change |
| DhsComplaintIssue    | 2012-07-17 12:23 | Update | Incident Location      | Residence                                       | 12218  |        | User Change |
| DhsComplaintIssue    | 2012-07-17 12:23 | Update | Incident Location Type | Residence                                       | 12218  |        | User Change |
| DhsComplaintIssue    | 2011-08-12 13:36 | Update | Color                  |                                                 | 12218  |        | User Change |
| DhsComplaintIssue    | 2011-08-12 13:36 | Update | Race                   |                                                 | 12218  |        | User Change |
| DhsComplaintIssue    | 2011-08-12 13:36 | Update | (b)(5)                 | (b)(5)                                          | 12218  |        | User Change |
| DhsComplaintIssue    | 2011-08-12 13:36 | Update | Religion               |                                                 | 12218  |        | User Change |
| DhsComplaintIssue    | 2011-08-12 13:36 | Update | Situation              | DHS law enforcement activity                    | 12218  |        | User Change |
| DhsComplaintIssue    | 2011-08-12 13:36 | Update | Sex                    |                                                 | 12218  |        | User Change |

|                   |                         |                        |          |                                                                                           |             |
|-------------------|-------------------------|------------------------|----------|-------------------------------------------------------------------------------------------|-------------|
| DhsComplaintIssue | 2011-03-17 Update 09:48 | Incident Location Type | 12218    | (b)(6)                                                                                    | User Change |
| DhsComplaintIssue | 2011-03-17 Update 09:48 | Other Issue            | 12218    |                                                                                           | User Change |
|                   |                         |                        |          | 07/01/2010:<br>Recommendation<br>(b)(5),(b)(6)                                            |             |
| DhsComplaintIssue | 2011-03-17 Update 09:48 | Comments               | 12218    | 07/14/2010: Approved (to Back From Officer):Approved.<br>RECOMMENDATION:<br>(b)(5),(b)(6) | User Change |
|                   |                         |                        |          | LETTER ON BEHALF<br>OF: (b)(6)<br>REC                                                     |             |
| DhsComplaintIssue | 2011-03-17 Update 09:48 | Disability             | 12218    |                                                                                           | User Change |
| DhsComplaintIssue | 2011-03-17 Update 09:48 | Redirect to Subject    | No       | 12218                                                                                     | User Change |
| DhsComplaintIssue | 2011-03-17 Update 09:48 | National Origin        | Hispanic | 12218                                                                                     | User Change |
| DhsComplaintIssue | 2011-03-17 Update 09:48 | (b)(5)                 | (b)(5)   | 12218                                                                                     | User Change |























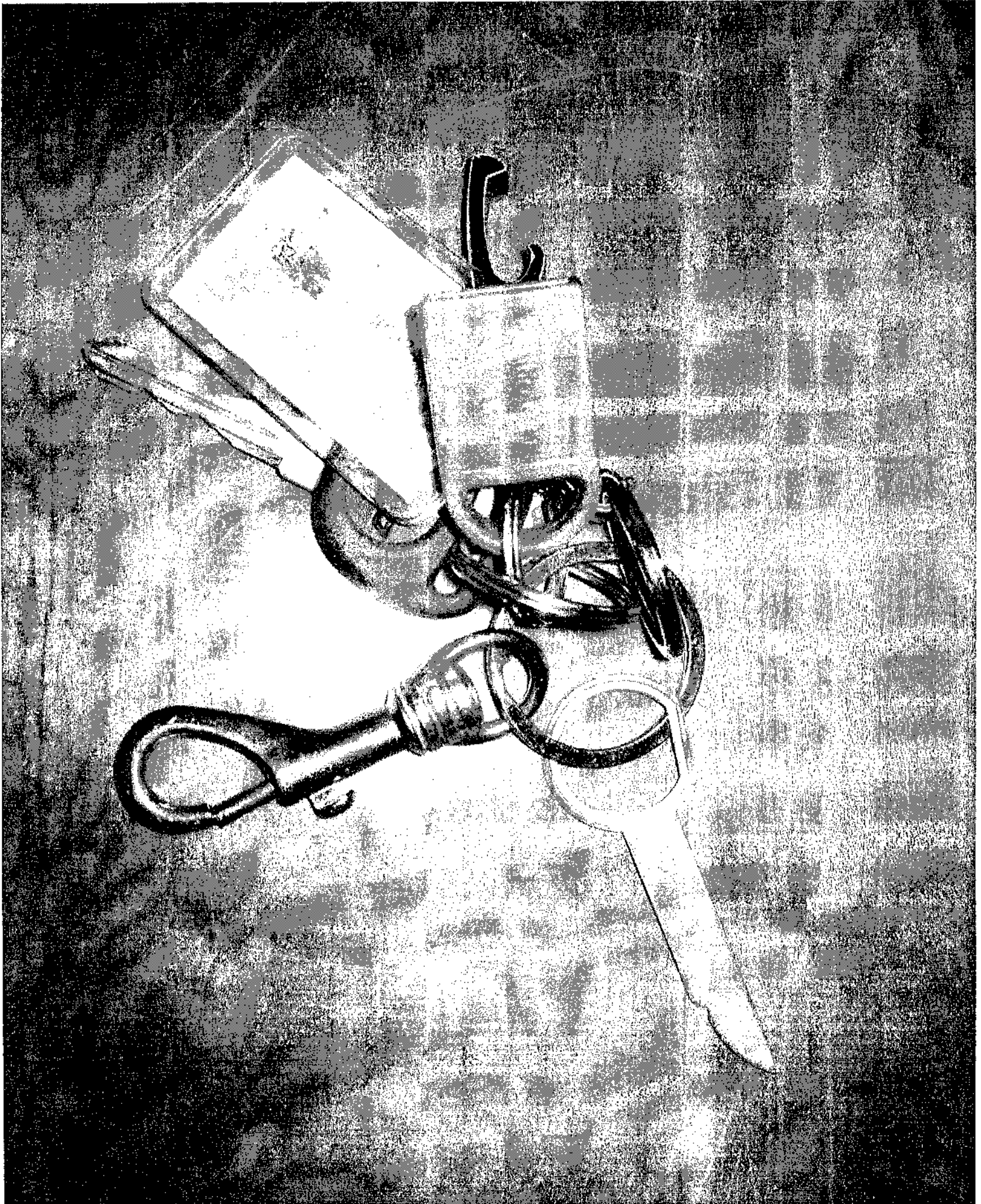












DHS-004-000041

June 16, 2010



**Homeland  
Security**

(b)(6)

Families for Freedom

3 West 29<sup>th</sup> Street (b)(6)

New York, NY 10001

Re: Complaint No. 10-08-ICE-0116

(b)(6)

Dear Mr. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on May 11, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at [crcl@dhs.gov](mailto:crcl@dhs.gov) or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties



Homeland  
Security

August 8, 2011

*Sent via email*

(b)(6)

Families for Freedom

(b)(6)@familiesforfreedom.org

Re: CRCL Complaint No. 10-08-DHS-0116

Dear Mr. (b)(6)

On May 11, 2010, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you raising concerns about the treatment of Mr. (b)(6) his son and two women, by officers with Immigration and Customs Enforcement (ICE) and agents with Customs and Border Protection (CBP) in Homestead, Florida, on May 1, 2010. Your complaint alleged that one or more ICE officers and CBP agents: 1) used inappropriate language to describe Mr. (b)(6) 2) physically and verbally abused Mr. (b)(6) minor son and threatened him with sexual abuse in jail; 3) demanded proof of citizenship from two women with Rural Neighborhoods; and 4) compelled one pregnant woman with Rural Neighborhoods to walk one quarter of a mile to retrieve her proof of citizenship.

CRCL referred your allegations to the Department's Joint Intake Center. The CBP Office of Internal Affairs (IA) responded on behalf of both agencies on May 25, 2011 and conducted an extensive investigation. The results of CBP IA's investigation appear below:

- 1) *Used inappropriate language to describe Mr. (b)(6)* CBP IA interviewed eight total officers and agents regarding this allegation. All denied using derogatory language during the operation to describe Mr. (b)(6)
- 2) *Physically and verbally abused Mr. (b)(6) minor son and threatened him with sexual abuse in jail:* CBP IA reported that, according to their investigation, Mr. (b)(6) son, who physically appeared to be older than 16, refused to follow commands to remove his hands from his pockets and intentionally bumped a CBP agent with his body. Mr. (b)(6) son was temporarily handcuffed until he calmed down. ICE officers and CBP agents deny threatening Mr. (b)(6) son with sexual assault in jail. Thus, there was no officer corroboration of your complaints and CBP IA did not substantiate these allegations.
- 3) *Demanded proof of citizenship from two women with Rural Neighborhoods:* CBP agents and ICE officers reported that the two women verbally interfered and one physically interfered with their apprehension of Mr. (b)(6) CBP agents and ICE officers deny asking the women for proof of citizenship or place of birth during the operation.

- 4) *Compelled one pregnant woman with Rural Neighborhoods to walk one quarter of a mile to retrieve her proof of citizenship:* CBP agents and ICE officers deny asking either woman for proof of citizenship or compelling a pregnant woman to walk one quarter of a mile to retrieve such information.

Thus, CBP IA was unable to corroborate your allegation with any specific officer testimony. In addition, no civilian witnesses were able to identify the CBP officer that allegedly made the inappropriate comments to Ms. (b)(6). Based on these facts, we are unable to substantiate your allegations regarding this incident. As of this time, we are closing your complaint in this office. However, we will keep your complaint in our database for tracking purposes if we see continued complaints of this type in the future. We thank you again for your complaint; inquiries like his help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,



Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



EVERGLADES COMMUNITY ASSOCIATION



May 10, 2010

Wilfredo Ferrer, United States Attorney  
99 NE 4<sup>th</sup> St.  
Miami, FL 33132  
VIA FACSIMILE: (305) (b)(6)

Dear Mr. Ferrer:

Our organizations are writing to request a full and fair investigation by your office into the actions of law enforcement agents from Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) during a raid conducted in Homestead/Florida City on Wednesday, April 27, 2010.

According to ICE comments in the Miami Herald on Saturday, May 1<sup>st</sup>, 2010, ICE conducted several raids on the morning in question focusing on "dangerous foreign-born criminals." While we applaud law enforcement actions that keep our communities safe, our interviews with witnesses and subjects of the Wednesday raids conducted by ICE/CBP have produced some very serious and disturbing allegations of misconduct. Many of the allegations point to a specific unidentified officer believed to be a Customs and Border Protection Agent. The alleged misconduct targeted at least three US citizens (USC), one three months pregnant and another a minor, and included a vulgar reference to prison sexual assault laced with racial overtones. After interviewing several witnesses, the following is our understanding of the facts:

- The raid of concern was conducted in Homestead on Wednesday, April 27, 2010 at (b)(6) (b)(6) at approximately 12 pm. The raid was apparently conducted to apprehend (b)(6) (b)(6) was at his residence on (b)(6) a private gated neighborhood owned by Rural Neighborhoods, a non-profit organization. Mr. (b)(6) resides there with his LPR (Legal Resident) wife and his 16-year-old USC son.
- On the day in question several ICE officers descended on the (b)(6) residence asking to be let into the house in order to apprehend Mr. (b)(6) At the time his wife (b)(6) son (b)(6) were outside the house and refused to let the agents gain entry. After learning about the raid, two employees of Rural Neighborhoods (the managers of the complex), (b)(6) both naturalized USC's, drove to the house from the management office. Mrs. (b)(6)
- As the employees arrived on the scene they identified themselves and their job titles. They were asked by the ICE officers about which police jurisdiction the residence was in and ICE confirmed that they were not being given permission to enter the (b)(6) home. The employees then suggested that it was in the best interest of 16 year-old (b)(6) to accompany him away from the scene and to the management office, to which the ICE agents agreed.

- At that point a government car pulled up (Black Ford sedan, tag numbers (b)(6),(b)(7)(C)) carrying ICE officer (b)(6),(b)(7)(C) from Fugitive Operations and the previously mentioned unidentified agent wearing what seemed to be a green "Border Patrol" uniform. The man is described as White or Hispanic (he spoke Spanish) and had a mustache.
- The unidentified officer proceeded to shout at Mrs. (b)(6) saying, "you know the piece of shit in your house is a criminal." At that point, (b)(6) told the officer not to yell at his mother, to which the officer responded by seemingly intentionally bumping into (b)(6) and then screaming "You touched me!" several times. **The officer then grabbed the 16 year old by the neck and slammed him on Mrs. (b)(6) car and began yelling "stop resisting."** The witnesses we spoke to insist that (b)(6) was not resisting. The officer then put the boy in handcuffs.
- Mrs. (b)(6) asked the officer to relax, to which the officer then shouted and asked both Mrs. (b)(6) and Mrs. (b)(6) for their country of origin, immigration status, and relationship to (b)(6). After discovering that Mrs. (b)(6) was a naturalized citizen, the officer demanded to see citizenship papers. Mrs. (b)(6) replied that they were in the rental office with her Driver's license and that she would have to drive to the rental office to get them. At that point the officer stated that if she drove to the office she would be arrested. Mrs. (b)(6) then walked the quarter mile distance to her office to obtain her proof of US citizenship.
- In the presence of Mrs. (b)(6) and Mrs. (b)(6) the agents asked (b)(6) if he had any sharp objects, he said no, "only keys." Officers pulled the keys out in front of the complex employees. Later the unidentified agent insisted to a supervisor of the complex that (b)(6) had a knife.
- After (b)(6) was handcuffed, Mr. (b)(6) then opened the door to the house, prompting his arrest. During the arrest, the unidentified officer kept telling (b)(6) your son wasn't raised right." He then told her **"tonight he is going to be raped by three black guys "** in jail.

We are extremely concerned about this incident. The allegations point to several occurrences of misconduct on behalf of the unidentified agent. Namely, the testimony appears to indicate that the 16year-old minor (and USC) was wrongfully detained as leverage against Mr. (b)(6) who was lawfully asserting his right to not open his door to the agents. Most disturbingly, the unidentified agent used a threat of sexual violence peppered with racial innuendo directed at a 16 year old USC who has not been charged or accused of any wrong doing. We request a prompt response to this matter. This raid, advertised as protecting our community further only served to further victimize the community. In this case the victims included several US Citizens and a minor.

We are willing to assist the US Attorney and any other agency in any serious investigation of this matter as long as you provide protection to witnesses who may suffer reprisals at the hands of CBP or ICE. We request a prompt response. Thank you in advance for your attention to this matter. You may contact (b)(6) from WeCount! at (305) (b)(6)

Sincerely,

The Florida Immigrant Coalition, WeCount!, Rural Neighborhoods, American Friends Service Committee, Coalition of Florida Farmworker Organizations.

cc:

(b)(6),(b)(7)(C) Field Office Director, Immigration and Customs Enforcement (ICE)

(b)(6),(b)(7)(C) Chief Patrol Officer, Customs and Border Protection

Alan Bersin, Commissioner, Customs and Border Protection

(b)(6),(b)(7)(C)

Special Agent-in-Charge, Immigration and Customs Enforcement (ICE)

John Morton, Assistant Secretary of Homeland Security

Margo Schlanger, Office of Civil Rights and Civil Liberties, U.S. Department of Homeland Security

Congressman Mario Diaz-Balart, 25<sup>th</sup> District of Florida

U.S. Senator George Lemieux

U.S. Senator Bill Nelson

Chief Al Rolle, Homestead Police Department

Mayor Steven Bateman, City of Homestead

Commissioners Katy Sorenson and Dennis Moss, Miami-Dade County

American Civil Liberties Union

PRLDF-Latino Justice

Center for Constitutional Rights

Mexican American Legal Defense Fund

NAACP



**From:** (b)(6)  
**Sent:** Monday, June 13, 2011 3:07 PM  
**To:** Blumberg, Jeffrey  
**Cc:** (b)(6)  
**Subject:** Re: Close Letter for 10-08-ICE-0116  
**Attachments:** (b)(6) Complaint.txt; Close Letter.doc

**Importance:** High

Jeffrey, I have a hard copy of the ROI for you. The scanners in the office were broken at the time I tried sending this to you. Please let me know when you are ready to review and I will bring the hard copy to your office.

(b)(6)

(b)(6)



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
REFERRED COMPLAINT ASSISTANCE FORM

| REFERRED COMPLAINT ASSISTANCE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Assigned To:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Immigration and Customs Enforcement<br>Office of Professional Responsibility<br><br>Customs and Border Protection<br>Joint Intake Center         |
| <b>Requested From:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (b)(6) Compliance Investigator<br>DHS Headquarters<br>Office for Civil Rights and Civil Liberties (CRCL)<br>Phone: 202 (b)(6)<br>(b)(6) @dhs.gov |
| <b>Deadline to CRCL:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Within 180 days of the date on the attached memo.                                                                                                |
| <b>CRCL Complaint No:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 10-08-DHS-0116                                                                                                                                   |
| <b>SYNOPSIS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                  |
| <p>On May 11, 2010, CRCL received a complaint from Families for Freedom, alleging CBP and ICE officials violated the civil rights and liberties of Mr. (b)(6) his wife (b)(6) (a LPR), and their 16-year-old son (b)(6) (a USC) during a raid at their residence by ICE and CBP on Wednesday, April 28, 2010, at approximately 12:00 p.m. in Homestead, Florida. The complaint also alleged ICE and CBP officials mistreated (b)(6) bystanders at the (b)(6) residence. The complaint specifically named ICE Officer (b)(6), (b)(7)(C) and referenced an unidentified CBP official as the perpetrators.</p> <p>The complaint alleges ICE and/or CBP officials:</p> <ol style="list-style-type: none"><li>1. Used derogatory language to describe the elder Mr. (b)(6) when speaking with Ms. (b)(6)</li><li>2. Physically and verbally abused (b)(6) and handcuffed him without justification, in an apparent attempt to coerce (b)(6) to exit the house;</li><li>3. Made a vulgar reference to a hypothetical prison sexual assault against (b)(6)</li><li>4. Mistreated (b)(6) USC's, by asking them about their countries of origin, immigration status, and by demanding proof of their citizenship while they were outside the (b)(6) home on 4/28/2010, immediately following the CBPO's alleged excessive use of force against (b)(6) and</li><li>5. Compelled Ms. (b)(6) at the time, to walk one quarter of a mile to her office in order to retrieve proof of citizenship.</li></ol> <p>(b)(5)</p> |                                                                                                                                                  |

*Protected by Attorney-Client and Deliberative Process Privileges*

| ISSUES/ALLEGATIONS                                           |                                                                                                                                         |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Issues/Allegations to be addressed in ICE AIR/ROI:</b>    | <ul style="list-style-type: none"> <li>• (b)(5), (b)(6)</li> <li>•</li> <li>•</li> <li>•</li> </ul>                                     |
| <b>Information/Documents to be included in the exhibits:</b> | <ul style="list-style-type: none"> <li>• (b)(5)</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul> |

*Protected by Attorney-Client and Deliberative Process Privileges*

AUG 12 2010



**Homeland  
Security**

(b)(6)

Homestead, Florida 33034

Re: Complaint No. 10-08-DHS-0116

Dear Mr. and Mrs. (b)(6)

On May 11, 2010, the Office for Civil Rights and Civil Liberties received information from Families for Freedom concerning your family's treatment by Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) during a raid at your residence on April 27, 2010.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties has the responsibility to review and assess complaints against Department of Homeland Security employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

This Office takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by ICE and CBP, components of the Department of Homeland Security, which will report their findings to this Office. ICE and CBP will conduct an investigation of one or more of the concerns that you have raised:

- Whether ICE or CBP officials wrongfully detained your 16-year-old son.
- Whether an ICE or CBP official threatened your son with sexual assault.
- Whether ICE or CBP officials made inappropriate comments about your family.
- Whether ICE and CBP mistreated and inappropriately questioned bystanders at your residence.

We will review ICE and CBP's findings to assess compliance with civil rights requirements. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of the Department of Homeland Security.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, this Office is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult with an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to this Office. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately. ICE, CBP or this Office will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact this Office by phone at 1-866-644-8360, 1-866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov). When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

(b)(6)

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

AUG 12 2010



**Homeland  
Security**

MEMORANDUM FOR:

(b)(6),(b)(7)(C)

Acting Deputy Director  
Office of Professional Responsibility  
Immigration and Customs Enforcement

Peter S. Vincent  
Principal Legal Advisor  
Immigration and Customs Enforcement

(b)(6),(b)(7)(C)

Joint Intake Center  
Customs and Border Protection

Alfonso Robles  
Chief Counsel  
Customs and Border Protection

FROM:

(b)(6)

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor  
Office of General Counsel

SUBJECT:

Complaint No. 10-08-DHS-0116

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) have violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to ICE and CBP for investigation. We request that the appropriate office within your components complete an inquiry into the enclosed complaint within 180 days of the date of this referral.

(b)(5)

*Protected by Attorney-Client and Deliberative Process Privileges*

*CRCL authorities.* Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

*Access to information.* More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

*Reprisals forbidden.* In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

*Privilege and required transparency.* Our communications with ICE and CBP personnel and documents generated during this review will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 42 U.S.C. § 2000ee-1(f)(2), however, we submit quarterly reports to Congress—which are also posted on CRCL’s website—that provide, inter alia, “the type of advice provided and the response given to such advice;” and “a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at 202 (b)(6) 1-866-644-8360 (TTY), or by email at (b)(6)@dhs.gov.

Copies to:

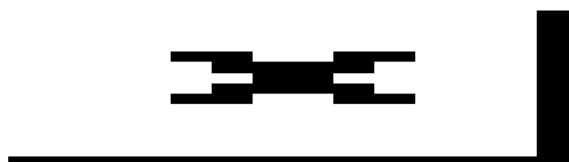
Franklin Jones  
Executive Director  
Office of Diversity and Civil Rights  
Customs and Border Protection  
(b)(6),(b)(7)(C) [@dhs.gov](mailto: [REDACTED]@dhs.gov)

[ice.opstasking@dhs.gov](mailto:ice.opstasking@dhs.gov)  
[joint.intake@dhs.gov](mailto:joint.intake@dhs.gov)

Enclosure



**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, June 15, 2010 2:18 PM  
**To:** (b)(6)  
**Subject:** RE: Complaint No. 10-08-ICE-0116



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6) [mailto:(b)(6)@associates.dhs.gov]  
**Sent:** Friday, June 11, 2010 2:52 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** Complaint No. 10-08-ICE-0116

Please Review.

On May 11, 2010, CRCL received email from Mr. (b)(6) of the organization Families for Freedom, providing a courtesy copy of a May 10, 2010 letter to U.S.

Attorney (USA) Wilfredo Ferrer, Southern District of Florida, with the following non-governmental organizations listed as signatories: The Florida Immigrant Coalition, WeCount!, Rural Neighborhoods, American Friends Service Committee (AFSC), and Coalition of Florida Farmworkers Organizations. (The letter does not include the names or signatures of any representatives from those organizations. Families for Freedom is not listed on the letter itself, and Mr. (b)(6) includes no message from his organization to CRCL to accompany the copy of the above letter.) CRCL, as well as representatives of ICE and CBP, and other agencies, offices, and organizations, are copied on the letter. The signatories allege that an unidentified male CBP officer (CBPO) violated the civil rights and civil liberties of Mr. (b)(6) (described as a 48-year-old visually impaired man), his wife (b)(6) (a legal permanent resident) and their 16-year-old son (b)(6) (a U.S. citizen) during a raid at their residence by ICE and CBP on Wednesday, April 28, 2010, at approximately 12:00 p.m. in Homestead, Florida. The letter further suggests that ICE also engaged in violations of civil rights and civil liberties by initiating the raid. The correspondence alleges that the CBPO used derogatory language to describe the elder Mr. (b)(6) when speaking with Ms. (b)(6) physically and verbally abused (b)(6) and handcuffed him without justification, in an apparent attempt to coerce (b)(6) to exit the house; and made a vulgar reference to a hypothetical prison sexual assault against (b)(6) (b)(6)

The correspondence further alleges that the CBPO improperly treated (b)(6) and (b)(6) U.S. citizen employees of Rural Neighborhoods, a non-profit organization that manages the residential complex where the (b)(6) family lives, by asking them about their countries of origin, immigration status, and by demanding proof of their citizenship while they were outside the (b)(6) home on 4/28/2010, immediately following the CBPO's alleged excessive use of force against (b)(6) (b)(6) The letter complains that the CBPO compelled Ms. (b)(6) (b)(6) to walk one quarter of a mile to her office in order to retrieve proof of citizenship. (Ms. (b)(6) had told the CBPO beforehand that her documentation was at her office along with her driver's license.)

When unidentified ICE officers first approached the (b)(6) house on April 28, 2010, they reportedly asked to be let inside to apprehend Mr. (b)(6) (b)(6) (b)(6) who were outside the house at the time, allegedly refused to allow the agents to enter the house. Upon learning about the raid, Ms. (b)(6) and Ms. (b)(6) both naturalized U.S. citizens, drove to the house from the Rural Neighborhoods management office, and identified themselves to the ICE officers.

Thereafter, a government vehicle carrying ICE officer (b)(6),(b)(7)(C) (a Deportation Officer based in Miami, according to the DHS Global Address List) and an unidentified male CBP Officer (b)(6),(b)(7)(C) (b)(6) Border Patrol uniform) arrived. The CBPO allegedly shouted to Mrs. (b)(6) "You know the piece of shit in your house is a criminal." After (b)(6) told the officer not to yell at his mother, the CBPO allegedly bumped into him and accused (b)(6) of touching him, then grabbed (b)(6) by the neck, slammed him on Ms. (b)(6)

(b)(6) car, and yelled, "Stop resisting!" (b)(6) had allegedly not resisted. The CBPO then handcuffed him. Additionally, the CBPO allegedly falsely stated to a supervisor of the residential complex that (b)(6) had a knife, when he did not.

After (b)(6) was handcuffed, (b)(6) reportedly opened the door to the house, and was arrested (presumably by ICE and/or CBP). During the arrest, the CBPO allegedly told Ms. (b)(6) "Tonight (b)(6) is going to be raped by three black guys", in jail.

The letter writers request that USA Ferrer review this matter. They claim that CBP and ICE wrongfully detained (b)(6) whom they state has not been charged or accused of wrongdoing, to use as "leverage" against (b)(6) whom they claim was lawfully asserting his right to deny federal agents entry into his home. They state that the U.S. Attorney's Office could contact (b)(6) of the organization WeCount! regarding the matter.

*[Note: The letter does not specify when, how and from whom the writers obtained the above account of the alleged incident. It does not include (b)(6) alien number or specify his citizenship status, nor does it describe the outcome of events stemming from the "arrests" of (b)(6) on April 28, 2010. Additional comments for internal reference are included in the Notes section of this Complaint form, and can be input in a Note in the tracking system.]*

Thank You,

(b)(6)  
Review and Compliance Division

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
(202) (b)(6) V)  
(202) (b)(6) F)

## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: 10-08-DHS-0116 (b)(6)

| Data Object  | Date             | Event          | Field                                                                                  | New Value                                                                                                                                                                                                                                               | Tracking Id | User   | Reason      |
|--------------|------------------|----------------|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------------|
| DhsComplaint | 2012-05-08 13:04 | Update         | Summary                                                                                | On May 11, 2010, CRCL received email from Mr. (b)(6) of the organization Families for Freedom, providing a courtesy copy of a May 10, 2010 letter to U.S. Attorney (USA) Wilfredo Ferrer, Southern District of Florida, with the following non-governme | 6662        | (b)(6) | User Change |
| DhsComplaint | 2011-09-09 12:05 | Update         | External Tracking Number                                                               | (b)(6)                                                                                                                                                                                                                                                  | 6662        | (b)(6) | User Change |
| DhsComplaint | 2011-09-09 12:05 | Update         | Days to Process                                                                        | 454                                                                                                                                                                                                                                                     | 6662        | (b)(6) | User Change |
| DhsComplaint | 2010-06-11 16:15 | Created        | Task                                                                                   |                                                                                                                                                                                                                                                         | 6662        | (b)(6) | migrated    |
| DhsComplaint | 2010-06-11 16:15 | Created        |                                                                                        |                                                                                                                                                                                                                                                         | 6662        | (b)(6) | migrated    |
| DhsComplaint | 2010-06-11 16:15 | Edited         |                                                                                        |                                                                                                                                                                                                                                                         | 6662        | (b)(6) | migrated    |
| DhsComplaint | 2010-06-11 16:15 | Edited         | Task:Assignment: Assigned matter<br>From: (b)(6)<br>To:DHS Due:2010-11-07 17:00:23.501 |                                                                                                                                                                                                                                                         | 6662        | (b)(6) | migrated    |
| DhsComplaint | 2010-06-11 16:18 | Edited         |                                                                                        |                                                                                                                                                                                                                                                         | 6662        | (b)(6) | migrated    |
| DhsComplaint | 2010-06-11 16:18 | Note Added     | Sent to IG:                                                                            |                                                                                                                                                                                                                                                         | 6662        | (b)(6) | migrated    |
| DhsComplaint | 2010-06-16 11:26 | Document Added | Document: 5 11 2010<br>(b)(6)                                                          |                                                                                                                                                                                                                                                         | 6662        | (b)(6) | migrated    |
| DhsComplaint | 2010-06-16       | Document Added | Document: RE Complaint No. 10-08-ICE-0116 IG                                           |                                                                                                                                                                                                                                                         | 6662        | (b)(6) | migrated    |

DHS-004-0000060

|              |                  |                |                                                                                  |  |      |        |          |
|--------------|------------------|----------------|----------------------------------------------------------------------------------|--|------|--------|----------|
|              | 11:27            |                |                                                                                  |  |      | (b)(6) |          |
| DhsComplaint | 2010-06-16 12:08 | Edited         |                                                                                  |  | 6662 |        | migrated |
| DhsComplaint | 2010-06-16 12:08 | Note Added     | From IG:                                                                         |  | 6662 |        | migrated |
| DhsComplaint | 2010-06-16 13:21 | Document Added | Document: Acknowledgement Letter - (b)(6)                                        |  | 6662 |        | migrated |
| DhsComplaint | 2010-06-16 13:22 | Edited         |                                                                                  |  | 6662 |        | migrated |
| DhsComplaint | 2010-06-16 13:22 | Note Added     | To awaiting Recommendation:                                                      |  | 6662 |        | migrated |
| DhsComplaint | 2010-06-25 11:00 | Edited         |                                                                                  |  | 6662 |        | migrated |
| DhsComplaint | 2010-07-01 14:54 | Edited         |                                                                                  |  | 6662 |        | migrated |
| DhsComplaint | 2010-07-01 14:54 | Note Added     | Recommendation Submitted: (b)(5),(b)(6)                                          |  | 6662 |        | migrated |
| DhsComplaint | 2010-07-12 14:32 | Note Added     | Approved (to Back From Officer):Ok                                               |  | 6662 |        | migrated |
| DhsComplaint | 2010-07-12 14:32 | Edited         |                                                                                  |  | 6662 |        | migrated |
| DhsComplaint | 2010-07-12 14:32 | Edited         | Task:Assignment: Assigned matter From (b)(6) To (b)(6) Due:2010-11-07 17:00:23.0 |  | 6662 |        | migrated |
| DhsComplaint | 2010-07-29 16:10 | Note Added     | approved referral docs with changes                                              |  | 6662 |        | migrated |
| DhsComplaint | 2010-08-12 21:23 | Document Added | Document: Referral Memo- (b)(6)                                                  |  | 6662 |        | migrated |

|                    |                  |                |                                     |                                                                                                                                                                                                                                                       |        |        |             |
|--------------------|------------------|----------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
| DhsComplaint       | 2010-08-12 21:23 | Note Added     | Referred:                           |                                                                                                                                                                                                                                                       | 6662   | (b)(6) | migrated    |
| DhsComplaint       | 2010-08-12 21:23 | Edited         |                                     |                                                                                                                                                                                                                                                       | 6662   |        | migrated    |
| DhsComplaint       | 2010-08-12 21:23 | Document Added | Document: Referral Letter-(b)(6)    |                                                                                                                                                                                                                                                       | 6662   |        | migrated    |
| DhsComplaint       | 2010-08-12 21:34 | Document Added | Document: Referral form-(b)(6)      |                                                                                                                                                                                                                                                       | 6662   |        | migrated    |
| DhsComplaint       | 2010-08-12 21:47 | Document Added | Document: Incoming Complaint-(b)(6) |                                                                                                                                                                                                                                                       | 6662   |        | migrated    |
| DhsComplaint       | 2010-09-29 13:54 | Create         | From Matters                        | migration                                                                                                                                                                                                                                             | 6662   |        | migration   |
| DhsComplaintAction | 2011-08-09 10:38 | Create         | Action                              | Closed - Referred/No Further Action                                                                                                                                                                                                                   | 105743 |        | User Change |
| DhsComplaintAction | 2011-08-09 10:38 | Create         | Internal Summary                    | On May 11, 2010, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you raising concerns about the treatment of Mr. (b)(6) his son and two women, by officers with Immigration and Customs Enforcement (ICE) and agents | 105743 |        | User Change |
| DhsComplaintAction | 2011-08-09 10:38 | Create         | Reporting Summary                   | On May 11, 2010, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you raising concerns about the treatment of Mr. (b)(6) his son and two women, by officers with Immigration and Customs Enforcement (ICE) and agents | 105743 |        | User Change |
| DhsComplaintAction | 2011-08-09 10:38 | Create         | Document                            | CRCL Close Letter Complaint No 10-08-DHS-0116.pdf                                                                                                                                                                                                     | 105743 |        | User Change |
| DhsComplaintAction | 2011-08-09 10:38 | Create         | Action Date                         | 08/08/2011                                                                                                                                                                                                                                            | 105743 |        | User Change |
| DhsComplaintAction | 2011-08-09 10:38 | Create         | Comments                            | Jeffrey approved for closure on 8/8/11. Updated hard file for closure on 8/9/11. Scanners in office down on 8/9/11; unable to upload remainder of hard file data.                                                                                     | 105743 |        | User Change |
| DhsComplaintAction | 2011-08-09       | Create         | Action                              | Notes                                                                                                                                                                                                                                                 | 105742 |        | User        |

DHS-004-0000062

|                      |                  |        |                  |                                                                                               |        |        |             |
|----------------------|------------------|--------|------------------|-----------------------------------------------------------------------------------------------|--------|--------|-------------|
|                      | 2011-08-09 10:35 | Create | Action Date      | 08/09/2011                                                                                    | 105742 | (b)(6) | Change      |
| DhsComplaintAction   | 2011-08-09 10:35 | Create | Comments         | Scanners down in office on 8/9/11. Unable to upload emails related to this case at this time. | 105742 |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:33 | Create | Document 1       | 2010 06 30 Declaration of (b)(6) pdf                                                          | 84734  |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:33 | Create | Foreign Language | No                                                                                            | 84734  |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:33 | Create | Document 2       | 2010 06 30 (b)(6) Keys.pdf                                                                    | 84734  |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:33 | Create | Document Type    | Investigative Material                                                                        | 84734  |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:33 | Create | Document 3       | Notice of close letter to Jeffrey.htm                                                         | 84734  |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:33 | Create | Dateentered      | 08/09/2011                                                                                    | 84734  |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:31 | Create | Document 1       | CBP IA Exhibits on (b)(6) pdf                                                                 | 84733  |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:31 | Create | Foreign Language | No                                                                                            | 84733  |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:31 | Create | Document 4       | 2010 06 30 Declaration of (b)(6) pdf                                                          | 84733  |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:31 | Create | Document 2       | CBP IA ROI on (b)(6) pdf                                                                      | 84733  |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:31 | Create | Document Type    | Investigative Material                                                                        | 84733  |        | User Change |
| DhsComplaintDocument | 2011-08-09 10:31 | Create | Document 3       | 2010 06 30 Declaration of (b)(6) pdf                                                          | 84733  |        | User Change |
|                      | 2011-            |        |                  |                                                                                               |        |        |             |

DHS-004-0000063

|                      |                         |        |                  |                                                                              |       |        |                |
|----------------------|-------------------------|--------|------------------|------------------------------------------------------------------------------|-------|--------|----------------|
| DhsComplaintDocument | 08-09<br>10:31          | Create | Dateentered      | 08/09/2011                                                                   | 84733 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-09<br>10:31 | Create | Document 5       | 2010 06 30 Declaration of (b)(6) pdf                                         | 84733 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-08<br>10:33 | Create | Document 1       | CRCI Close Letter Complaint No. 10-08-DHS-0116.pdf                           | 84715 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-08<br>10:33 | Create | Foreign Language | No                                                                           | 84715 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-08<br>10:33 | Create | Document Type    | Closed Letter                                                                | 84715 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-08<br>10:33 | Create | Dateentered      | 08/08/2011                                                                   | 84715 |        | User<br>Change |
| DhsComplaintIssue    | 2011-<br>08-12<br>13:39 | Update | Color            |                                                                              | 12229 |        | User<br>Change |
| DhsComplaintIssue    | 2011-<br>08-12<br>13:39 | Update | Disability       |                                                                              | 12229 |        | User<br>Change |
| DhsComplaintIssue    | 2011-<br>08-12<br>13:39 | Update | Other Issue      |                                                                              | 12229 |        | User<br>Change |
| DhsComplaintIssue    | 2011-<br>08-12<br>13:39 | Update | Race             |                                                                              | 12229 |        | User<br>Change |
| DhsComplaintIssue    | 2011-<br>08-12<br>13:39 | Update | Comments         | 07/01/2010: Recommendation Submitted; (b)(5),(b)(6)                          | 12229 | (b)(6) | User<br>Change |
|                      |                         |        |                  | 07/09/2010: Approved (to Back From Officer):Ok RECOMMENDATION; (b)(5),(b)(6) |       |        |                |
| DhsComplaintIssue    | 2011-<br>08-12<br>13:39 | Update | Religion         |                                                                              | 12229 |        | User<br>Change |
| DhsComplaintIssue    | 2011-<br>08-12<br>13:39 | Update | Situation        | DHS law enforcement activity                                                 | 12229 |        | User<br>Change |



|                   |                  |        |                        |    |       |        |             |
|-------------------|------------------|--------|------------------------|----|-------|--------|-------------|
| DhsComplaintIssue | 2011-08-12 13:39 | Update | Redirect to Subject    | No | 12229 | (b)(6) | User Change |
| DhsComplaintIssue | 2011-08-12 13:39 | Update | Incident Location Type |    | 12229 |        | User Change |
| DhsComplaintIssue | 2011-08-12 13:39 | Update | Sex                    |    | 12229 |        | User Change |



Homeland  
Security

January 18, 2013

David Loy  
Legal Director  
ACLU of San Diego & Imperial Counties  
PO Box 87131  
San Diego, CA 92138-7131  
Re: Complaint No. 10-09-ICE-0126

(b)(6)

Dear Mr. Loy:

This letter is a follow-up in response to information the Office for Civil Rights and Civil Liberties (CRCL) received from former ACLU staff attorney and legal fellow, Ms. (b)(6) on June 11, 2010, alleging the mistreatment of (b)(6) a female Immigration and Customs Enforcement (ICE) detainee on April 22, 2010, during transport to ICE's San Diego Field Office. The complaint alleged forcible fingerprinting of Ms. (b)(6) at the Field Office, and that she was sexually assaulted by an ICE officer while being placed into an ICE transport vehicle. In a letter to Ms. (b)(6) on July 26, 2010, we informed the ACLU that pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL would review one or more of the issues raised in the ACLU's complaint.

On October 25 and 26, 2010, CRCL conducted an onsite investigation at ICE's San Diego Field Office. Along with an investigation team of ICE Office of Professional Responsibility investigators, we interviewed relevant ICE personnel who were alleged to have been involved in this matter, and reviewed arrest records and other documents produced at the field office in relation to the incident.

We have concluded our investigation of the allegations pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1. While our investigative documents are privileged, we can inform you that we were unable able to confirm the allegations that Ms. (b)(6) was forcibly fingerprinted, that she was sexually assaulted by an ICE officer, or that she was denied use of a restroom for several hours while she was being transported in an ICE transport van. As a result, we are closing the complaint at this time.

We appreciate your bringing this matter to our attention. Thank you for your patience in working with this Office to further the investigation of this matter and in waiting for us to conclude it. If you have any further concerns, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov).

Sincerely,

(b)(6)

Deputy Director Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
COMPLAINT WITHOUT RECOMMENDATIONS  
CLOSURE MEMORANDUM

To: (b)(6)  
From: (b)(6)  
Date: January 18, 2013  
Complaint Number: 10-09-ICE-0126  
Complainant Name (Alien Number): (b)(6)

**Reason(s) for Closure without Recommendations (*check all that apply*):**

(b)(5)

**Complaint Synopsis and Explanation of Closing Rationale:**

On June 11, 2010, CRCL received a complaint from the American Civil Liberties Union on behalf of Ms. (b)(6) alleging that on April 22, 2010, she was mistreated by ICE agents after her arrest. Ms. (b)(6) claimed she was not allowed to use a restroom for five hours while she was handcuffed in an ICE transport van, was forcibly fingerprinted during processing at ICE's San Diego Field Office, and was sexually assaulted by an ICE officer as she was placed in a transport van for her removal from the United States.

(b)(5), (b)(6)

(b)(5),(b)(6)

**Suggested Closure Method(s) (*check all that apply*):**

(b)(5)



# Homeland Security

June 22, 2010

(b)(6)

Oaxaca, Mexico 68745

Re: Complaint No. 10-09-ICE-0126

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on June 11, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at [crcl@dhs.gov](mailto:crcl@dhs.gov) or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties

Cop[y/ies] to:

(b)(6)

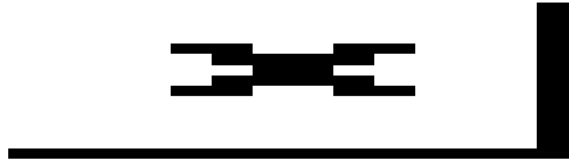
Staff Attorney/Legal Fellow  
ACLU of San Diego & Imperial Counties  
P.O. Box 87131  
San Diego, CA 92138-7131

(b)(6)

San Marcos, CA 92069

Enclosure

**From:** (b)(6)@dhs.gov]  
**Sent:** Wednesday, June 23, 2010 8:14 AM  
**To:** (b)(6)  
**Subject:** Complaint No. 10-09-ICE-0126-Ms. (b)(6)  
**Attachments:** Complaint No. 10-09-ICE-0126; new CRCL Complaint (b)(6)  
(b)(6)



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6)@associates.dhs.gov]  
**Sent:** Tuesday, June 22, 2010 11:09 AM  
**To:** (b)(6)  
**Cc:**  
**Subject:** Complaint No. 10-09-ICE-0126

PLEASE REVIEW.

On June 11, 2010, CRCL received email correspondence from Ms. (b)(6) Staff Attorney/Legal Fellow, American Civil Liberties Union (ACLU) of San Diego & Imperial Counties, on behalf of Ms. (b)(6) and her husband, (b)(6) Ms. (b)(6) alleged that unidentified ICE officers violated the civil rights and civil liberties of Ms. (b)(6) on April 22, 2010, in their treatment of her as they removed her from her home in San Marcos, California, detained her for several hours, and then removed her to Mexico. Ms. (b)(6) writes, "Ms. (b)(6) whose husband and children are U.S. citizens, was taken from her home; handcuffed and detained in a van for several hours without access to a restroom, which caused her great pain on account of her gastritis; forcibly fingerprinted despite multiple requests to speak to her attorney; sexually assaulted by an ICE officer; then removed to Mexico." The alleged sexual assault occurred when an unidentified male ICE officer allegedly put his hand inside Ms. (b)(6) pants, grabbed her buttock, and boosted her up to help her board an ICE van outside an San Diego Office of Detention and Removal (DRO) facility in San Diego; Ms. (b)(6) was unable to climb into the van on her own while she was handcuffed behind her back.

At approximately 5:50 a.m. on April 22, 2010, at least four ICE agents went to Ms. (b)(6) home in San Marcos. They presented a photograph of a woman to Mr. (b)(6) and asked him if that person lived at the house. Mr. (b)(6) said that the woman did not live there and that he did not recognize her. After ICE officers learned that Mr. (b)(6) wife and two children lived with him, they asked to speak with Ms. (b)(6) Upon reviewing her identification documents, the officers informed Ms. (b)(6) that they had a deportation order against her. Ms. (b)(6) asked to see a warrant, but the officers allegedly said that she did not have a right to see a warrant. They escorted her to a van, handcuffed her, and allegedly kept her handcuffed in the van for five hours while they searched other buildings nearby, checking periodically on Ms. (b)(6) During that time, Ms. (b)(6) twice asked to be allowed to use a bathroom to relieve herself, but ICE officers allegedly denied her requests. The ACLU claims that because Ms. (b)(6) has gastritis, she still experiences stomach pains due to the effects of her confinement in the van that day.

Ms. (b)(6) was then transported to an ICE DRO facility in San Diego, where she was asked to sign papers and complete forms with medical questions. Allegedly, when (b)(6) said that she has gastritis, the officers did not write that on the form and instead told her she should have brought her medications. Ms. (b)(6) refused to sign any paperwork before consulting with a lawyer. The ICE officers allegedly replied that she would be allowed to speak to a lawyer after she signed the paperwork.

Ms. (b)(6) was eventually allowed to phone her attorney, who was out of the office at the time. The ICE officers reportedly did not allow her to call her attorney's office a second time when she requested to do so a short time later, and ICE officers then allegedly forcibly fingerprinted her. According to the ACLU, when the ICE officers tried to move Ms. (b)(6) into a hallway, ICE officers pulled Ms. (b)(6) into the hallway when she initially resisted moving. The letter states that next, "A female officer pinned Ms. (b)(6) hands behind her back and pushed her against a desk, where Ms. (b)(6) was fingerprinted on paper, once again by force."



Around 1:00 p.m., Ms. (b)(6) attorney arrived and spoke with her for about 15 minutes, largely through gestures, due to language barriers. The attorney reportedly believes that Ms. (b)(6) was trying to tell him that her arm hurt because she had been grabbed during the fingerprinting process. Later that day, Ms. (b)(6) was handcuffed behind her back, taken from the facility, and escorted to a van. A male ICE officer allegedly put his hand inside Ms. (b)(6) pants, grabbed her buttock, then boosted her up to get her into the van. The ACLU claims that Ms. (b)(6) felt violated by that alleged "groping." Ms. (b)(6) was then transported to the border and removed to Mexico.

Ms. (b)(6) requests that CRCL conduct an investigation of the conduct of the ICE officers in this matter, review the ICE arrest and detention procedures and training to determine whether changes are warranted, and arrange to have Ms. (b)(6) readmitted to the U.S. pursuant to humanitarian parole.

The ACLU copied the Assistant Secretary of ICE; the Field Office Director of ICE, San Diego Field Office; the Assistant Attorney General, DOJ Civil Rights Division; and Inspector General Richard Skinner on the correspondence.

Thank You,

(b)(6)

Review and Compliance Division  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
(202) 351-(b)(6) /  
(202) 401-4708(F)

**From:** (b)(6)  
**Sent:** Tuesday, July 27, 2010 2:39 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** ICE Opstasking; JOINT INTAKE; (b)(6), (b)(7)(C)  
**Subject:** CRCL Referred-Plus Complaint Documents for a Matter Involving ICE  
**Attachments:** ORIGINAL COMPLAINT (b)(6) 0001.pdf; REFERRED-PLUS MEMO (b)(6) 0001.pdf; REF FORM (b)(6) 0001.pdf

Dear ICE Colleagues,

Please see the attached complaint documents for a matter involving ICE. CRCL is treating this matter as a Referred-Plus complaint. As such, CRCL will be working with ICE, collaboratively, to complete a joint inquiry into the allegations.

Please let us know if you have any questions.

Regards,

(b)(6)  
Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6) **New Phone Number as of 6/28/10)**  
(b)(6)@dhs.gov

WARNING: This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

**From:** (b)(6)@dhs.gov]  
**Sent:** Thursday, September 02, 2010 10:15 AM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6)  
**Subject:** RE: Plan Onsite - (b)(6) CRCL Referred-Plus Complaint #10-09-ICE-0126)

(b)(6),(b)(7)(C)

First, welcome to DC. (b)(6),(b)(7)(C) I'll look forward to hearing from you when time to plan this.

Have a great day.

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6) New Phone Number as of 6/28/10)  
(b)(6)@dhs.gov

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**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Wednesday, September 01, 2010 8:08 PM  
**To:** (b)(6) (b)(6),(b)(7)(C)  
**Subject:** Re: Plan Onsite - (b)(6) CRCL Referred-Plus Complaint #10-09-ICE-0126)

Hi (b)(6)

Since we chatted last, I was transferred to DC. So, I will ask you to please contact my replacement, Ms. (b)(6),(b)(7)(C) the new OPR Special Agent in Charge, West. I'm sure she will be able to support your requests.

Thanks (b)(6),(b)(7)(C)

**From:** (b)(6)@dhs.gov>  
**To:** (b)(6),(b)(7)(C)@dhs.gov>

**Cc:** (b)(6),(b)(7)(C)@dhs.gov>; (b)(6)  
**Sent:** Wed Sep 01 16:35:22 2010  
**Subject:** Plan Onsite - (b)(6) CRCL Referred-Plus Complaint #10-09-ICE-0126)

(b)(6),(b)(7)(C)

I'm back from my onsite investigation in Arizona. When possible, (b)(5)  
(b)(5)

Thanks!

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6) New Phone Number as of 6/28/10  
(b)(6)@dhs.gov

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**From:** (b)(6)  
**Sent:** Tuesday, July 27, 2010 3:35 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** RE: Assistance

Hi, (b)(6), (b)(7)(C) Today I sent the complaint documents to ICE regarding the (b)(6) complaint. I'll let (b)(6),(b)(7)(C) know that they've gone out.

Non Responsive

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6) **New Phone Number as of 6/28/10)**  
(b)(6)@dhs.gov

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Non Responsive

**From:** (b)(6)@aclusandiego.org]  
**Sent:** Tuesday, June 22, 2010 1:34 PM  
**To:** (b)(6)  
**Subject:** RE: DHS Office for Civil Rights and Civil Liberties

Dear (b)(6)

Ms. (b)(6) will be leaving the migrant home in Tijuana on June 25. Her new address and phone number will be:

(b)(6)

Yes, please cc myself and her husband, (b)(6). He moved recently and also has a new mailing address. It is:

(b)(6)

Thank you,

(b)(6)

Legal Fellow / Staff Attorney  
ACLU of San Diego & Imperial Counties  
619-232-2121 (b)(6)  
(b)(6)@aclusandiego.org

**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, June 22, 2010 9:58 AM  
**To:** (b)(6)@aclusandiego.org  
**Subject:** DHS Office for Civil Rights and Civil Liberties

Dear (b)(6)

CRCL is preparing correspondence to you and to Ms. (b)(6) regarding the complaint you submitted to our office on June 11, 2010. For purposes of mailing correspondence to her regarding our handling of the complaint, is Ms. (b)(6) still at the Tijuana, Mexico address you provided?

Also, is it your and/or Ms. (b)(6) wish that her husband be cc'd on correspondence?

Regards,

(b)(6)

Senior Policy Advisor (Compliance)

Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6)  
(b)(6)@dhs.gov

WARNING: This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Tuesday, July 27, 2010 3:43 PM  
**To:** (b)(6)  
**Subject:** Re: Referred-Plus Complaint Documents sent to ICE

Great. Thanks!

-----  
Sent using BlackBerry

**From:** (b)(6)@dhs.gov>  
**To:** (b)(6),(b)(7)(C)@dhs.gov>  
**Sent:** Tue Jul 27 15:39:21 2010  
**Subject:** Referred-Plus Complaint Documents sent to ICE

(b)(6),(b)(7)(C)

I just transmitted to ICE the Referred-Plus complaint documents re (b)(6) I also alerted (b)(6),(b)(7)(C) that they've gone out. We can start planning the onsite now. Let me know if you have questions.

Have a great day,

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6) New Phone Number as of 6/28/10  
(b)(6)@dhs.gov

WARNING: This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.







P.O. Box 87131  
San Diego, CA 92138-7131  
T: 619-232-2121  
F: 619-232-0036

June 11, 2010

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Review and Compliance  
245 Murray Lane, SW  
Building 410, Mail Stop #0800  
Washington, DC 20528

Delivered via E-mail

To Whom It May Concern:

We write to bring your attention to some disturbing behavior on the part of several Immigrations and Customs Enforcement officers during a recent event in which (b)(6) (b)(6) was taken from her family and removed from the country.<sup>1</sup> Ms. (b)(6) whose husband and children are U.S. citizens, was taken from her home; handcuffed and detained in a van for several hours without access to a restroom, which caused her great pain on account of her gastritis; forcibly fingerprinted despite multiple requests to speak to her attorney; sexually assaulted by an ICE officer; then removed to Mexico. The treatment and conditions Ms. (b)(6) experienced were excessively harsh and likely violated Ms. (b)(6) constitutional rights as well as state and federal criminal law.

### **The Events of April 22, 2010**

At approximately 5:50 am on April 22, 2010, at least four ICE agents knocked on the door of Ms. (b)(6) home at (b)(6) in San Marcos, California. Her husband, (b)(6) opened the door; the officers showed him a photograph of a woman and asked if that person lived there. Mr. (b)(6) told the officers that the woman did not live there and he did not recognize her. The officers then asked him who else lived at their address; he told them it

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<sup>1</sup> Ms. (b)(6) is a class member in litigation related to *Perez-Gonzalez v. Ashcroft*, 379 F.3d 783 (9th Cir. 2004). The Court held in *Perez-Gonzalez* that individuals who had been previously removed but met certain procedural requirements were eligible to apply for adjustment to lawful permanent status. Ms. (b)(6) meets these procedural requirements. *Perez-Gonzalez* was overturned by *Duran Gonzales v. DHS*, 508 F.3d 1227 (9th Cir. 2007), but the *Duran Gonzales* appeal is still pending en banc in the Ninth Circuit, the result of which will bear on Ms. (b)(6) immigration issues.

was just him, Ms. (b)(6) and their two children. The officers requested to speak with Ms. (b)(6) who came to the door. When the officers showed Ms. (b)(6) the photo, she also verified that the woman in the photo was not her and that she did not know the woman. The officers asked Ms. (b)(6) and her husband if they were receiving the mail of the woman in the photo; they said no. The ICE officers then asked for Ms. (b)(6) name and identification. When Ms. (b)(6) opened her wallet to take out her California state ID, one of the officers saw her papers from the Mexican consulate and asked to see those as well. Ms. (b)(6) handed over both documents.

After taking her ID and papers, the ICE officers informed Ms. (b)(6) that they had a deportation order against her. Ms. (b)(6) asked to see a warrant, but the officers stated that she did not have a right to see a warrant. By this time Ms. (b)(6) children, who had been in bed, had woken up and come to the door and were crying. A female ICE officer told Ms. (b)(6) and her husband, in Spanish, to put the children in another room if they didn't want the children to "see anything violent happen." The officer then instructed Ms. (b)(6) to bring a sweater because they were going to take her into custody, so Ms. (b)(6) put on her shoes and a sweater. Ms. (b)(6) again asked the officers to show her the order of deportation, but they told her they were not going to do that and to please not make them use violence on her.

The officers escorted Ms. (b)(6) from her home to a van and handcuffed her, though she asked them not to. They kept her in the van for about five hours while they continued searching other buildings along the street, checking on Ms. (b)(6) occasionally. During this time, Ms. (b)(6) asked twice to go to the bathroom, but she was not allowed to do so and was told to shut up. Ms. (b)(6) suffers from gastritis and is still experiencing stomach pains from that morning, as she was not allowed to relieve herself the entire time she was in the van. She remained handcuffed while the officers completed their search and took her to the ICE facility on Front Street in downtown San Diego.

At the downtown facility, Ms. (b)(6) was asked to sign some papers and fill out forms with medical questions. Ms. (b)(6) noted that the ICE officers did not write anything down when she told them she had gastritis. Instead, they told her she should have brought her medications.

Ms. (b)(6) refused to sign anything before she got a phone call and spoke to a lawyer. The ICE officers told her she would be allowed to speak to a lawyer after she signed the papers. When she still refused to sign, one of the officers said to her in Spanish, "You are a woman and we're men, and we don't want to use force, because we have a right to." Ms. (b)(6) again requested a lawyer before signing anything. One of the officers pried Ms. (b)(6) fist open, forcibly putting her fingerprints on the form that she had refused to sign. Ms. (b)(6) pulled her hand back and asked the officers to wait until her lawyer had arrived. A supervisor said she didn't have to sign if she didn't want to, but after the supervisor left, one of the remaining officers told Ms. (b)(6) that she was not in charge there and had no rights.

After a while, the officers moved Ms. (b)(6) into a bigger room. They told her that since her husband knew she was being detained and no lawyer had come yet, clearly no lawyer was coming. The ICE officers finally let her make a phone call, but she could not get through to her

lawyer. The officers then dialed the number for Ms. (b)(6) and got through. Ms. (b)(6) spoke with her lawyer's assistant, who said the lawyer was out of the office and to wait for him to get back. The ICE officers told Ms. (b)(6) her lawyer didn't care about her so she should sign.

Ms. (b)(6) requested another phone call to her husband, and the officers said she could make one last call. When Ms. (b)(6) called her husband to tell him what was happening, she spoke with him in the Zapotec dialect, which angered the ICE officers. They claimed she was a terrorist because they could not understand her dialect, and Ms. (b)(6) said she hadn't done anything wrong. ICE insisted that Ms. (b)(6) and her husband were criminals; Ms. (b)(6) denied being a terrorist.

After the call to her husband, the officers told Ms. (b)(6) she was nobody there and that she was going to put her fingerprints down "either the good way or the bad way." Ms. (b)(6) again refused and said she wanted her lawyer. An officer responded that her lawyer was at lunch and that was her second warning. They said at the third warning, they could use violence, and if Ms. (b)(6) hurt them, they would sue her. Ms. (b)(6) said there was no way she could hurt them, they were too big for her.

The officers then said warning time was over. The officer who had fingerprinted her earlier grabbed her hand and forced all ten of her fingerprints onto a scanning machine, though Ms. (b)(6) pleaded with them to wait for her lawyer. The officer had to pull her arm back and forth to get all the prints, and when Ms. (b)(6) protested that they were getting her fingerprints by force, the officers told her to shut up.

The ICE officers then tried to move Ms. (b)(6) into the hallway. Ms. (b)(6) did not want to move, so the officers physically pulled her into the hallway. A female officer pinned Ms. (b)(6) hands behind her back and pushed her against a desk, where Ms. (b)(6) was fingerprinted on paper, once again by force. To take her prints, the female officer took one of Ms. (b)(6) hands and a male officer took the other hand. Someone told the female officer to loosen her grip on Ms. (b)(6) which she did, but Ms. (b)(6) had already been hurt.

Around 1:00 pm, after Ms. (b)(6) had been in the San Diego facility for a little more than an hour, her attorney arrived. He spoke with her for about 15 minutes largely through gestures, due to language barriers. Her attorney believed that Ms. (b)(6) was trying to tell him her arm was hurting because she had been grabbed during the fingerprinting process. He also spoke to an official who identified himself as the director of ICE operations on Front Street, who readily stated that the officers had tried to fingerprint Ms. (b)(6) and had used physical force when she did not cooperate.

Later that day, Ms. (b)(6) was handcuffed behind her back, taken out of the facility, and escorted to a van. Because her hands were cuffed behind her, she was unable to get into the vehicle. To "help" her into the van, a male ICE officer put his hand inside Ms. (b)(6) pants, grabbed her buttock, then boosted her up. Ms. (b)(6) felt violated by this groping and got very upset even relaying the incident several weeks later.

Ms. (b)(6) was then taken to the border and removed from the United States.

**ICE Officers Sexually Assaulted Ms. (b)(6) Used Excessive Force, and Subjected Ms. (b)(6) to Unnecessarily Harsh Detention Conditions**

*Abusive Sexual Conduct and Sexual Battery*

The ICE officer at the San Diego facility who put his hand inside Ms. (b)(6) pants and grabbed her buttock violated both state and federal law. It is inconceivable why an officer would need to put his hand *inside* a person's pants to assist her into a van.

A person has committed abusive sexual conduct under federal law if he, "in any prison, institution, or facility in which persons are held in custody by direction of ... the head of any Federal department or agency, knowingly engages in sexual contact with another person without that other person's permission." 18 U.S.C. § 2244. Sexual contact is "the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person." 18 U.S.C. § 2246. For the purposes of § 2244, the term "prison" includes detention facilities. *Id.* The ICE facility where Ms. (b)(6) was held falls within the scope of § 2244 because it is presumably used to hold people in custody, even if just for a short period. *See United States v. Urrabazo*, 234 F.3d 904, 906 (5th Cir. 2000) (U.S. Marshals' Service cell block in a federal courthouse qualified as a 'detention facility' because prisoners were held in custody there, albeit for only a few hours). Thus the requirements under 18 U.S.C. § 2244 were met and the officer who grabbed Ms. (b)(6) buttocks clearly committed abusive sexual conduct.

The officer also committed sexual battery under state law. Section 243.4 of the California Penal Code states:

Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

Cal. Penal Code § 243.4(a). Sexual battery is a felony punishable by up to four years in state prison or \$10,000. *Id.*; Cal. Penal Code § 17(a). Even if the initial restraint was lawful, if a person "takes advantage of ... lawful restraints and engages in acts for an improper purpose, such as sexual arousal or gratification," the restraint becomes unlawful during the illegal acts. *People v. Alford*, 235 Cal. App. 3d 799, 805 (Cal. Ct. App. 1991) (affirming sexual battery conviction of correctional officer who engaged in sexually abusive conduct while transporting handcuffed female inmates). Additionally, any person who touches an intimate part of another person against that person's will for the purpose of sexual arousal, sexual gratification, or sexual abuse is guilty of misdemeanor sexual battery. Cal. Penal Code § 243.4(c)(1). Because the ICE officer touched an intimate part of Ms. (b)(6) body against her will in a sexually abusive manner while she was handcuffed, he committed both felony and misdemeanor sexual battery.

California law also prohibits assaults by public officers. Cal. Penal Code § 149 provides:

Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the state prison, or in a county jail not exceeding one year, or by both such fine and imprisonment.

Cal. Penal Code § 149. It was clearly not necessary for the officer to put his hand inside Ms. (b)(6) pants or to grab her buttocks to help her into the van.

“Federal officers and employees are not, merely because they are such, granted immunity from prosecution in state courts for crimes against state law.” *New York v. DeVecchio*, 468 F. Supp. 2d 448, 454 (E.D.N.Y. 2007). In criminal prosecutions, “the immunity defense bars a state from prosecuting a federal agent for alleged violations of a state criminal law if (1) the federal agent was performing an act which he was authorized to do by the law of the United States and (2) in performing that authorized act, the federal agent did no more than what was necessary and proper for him to do.” *Id.* at 460. See also *Minnesota v. Weber*, 589 F. Supp. 2d 1170, 1172 (D. Minn. 2008). The ICE officer’s actions were neither necessary nor proper and therefore would not be immune from state prosecution.

#### *Excessive Force and Unnecessarily Harsh Conditions*

The unnecessarily harsh conditions under which Ms. (b)(6) was forced to remain handcuffed in a van for several hours, prohibited from relieving herself, likely violated her constitutional rights. Excessive force claims arising in the context of an arrest are governed by the Fourth Amendment, which protects people against unreasonable seizures. *Graham v. Connor*, 490 U.S. 386, 395 (1987). In determining whether government agents’ use of force is excessive, “the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” *Id.* at 397.

It was objectively unreasonable to keep Ms. (b)(6) in handcuffs for several hours while she was in the van, where she was monitored and outnumbered by ICE officers, had pleaded with the officers not to handcuff her, and gave no indication that she was a threat to the agents or anyone else.

It was also unreasonable to forbid Ms. (b)(6) from relieving herself for several hours. See, e.g., *Campbell v. City of Bakersfield*, 2006 U.S. Dist. LEXIS 49930, \*88 (C.D. Cal. 2006) (“a detention pursuant to a search warrant may become unreasonable if it is unnecessarily prolonged, degrading or painful ... three refusals to use the restroom after six hours is arguably unnecessarily degrading and painful”); *Carroll v. Village of Homewood*, 2001 U.S. Dist. LEXIS 18857, \*30-31 (N.D. Ill. 2001) (citing examples recognizing constitutional violations when government officers refuse to allow plaintiffs to use the restroom, and holding that “a jury could find that the officers’ denial of bathroom use [for one hour] was unreasonable”). Refusing to allow Ms. (b)(6) to use the bathroom was even more unreasonable in light of her medical

condition. Ms. (b)(6) continues to suffer from the gastritis effects of her prolonged confinement in the van.

### **Requested Action**

In light of the ICE officers' egregious behavior and violations of Ms. (b)(6) constitutional rights, we request that the Office for Civil Rights and Civil Liberties investigate the behavior of the officers involved in the April 22 incidents, reprimand and take any other appropriate steps to hold those agents accountable for their actions. We also ask the Office to review ICE arrest and detention procedures and training to determine whether changes to those procedures and training are warranted. Furthermore, we request that Ms. (b)(6) be readmitted to the U.S. pursuant to humanitarian parole, in light of the harm inflicted upon Ms. (b)(6) the hardship of her deportation on her U.S. citizen husband and children, and the dynamic state of the applicable law governing her immigration issues.

Attached are the contact information for Ms. (b)(6) and witnesses to the events. Please feel free to contact (b)(6) at (619) 232-2121 ext. (b)(6) @aclusandiego.org if you have any questions.

Sincerely,

(b)(6)

Staff Attorney / Legal Fellow  
ACLU of San Diego & Imperial Counties

cc: John Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement  
(b)(6),(b)(7)(C) Field Office Director, U.S. Immigration and Customs Enforcement, San Diego Field Office  
Thomas Perez, Assistant Attorney General, U.S. Department of Justice, Civil Rights Division  
Richard Skinner, Inspector General, Department of Homeland Security

**From:** (b)(6)@aclusandiego.org]  
**Sent:** Friday, June 11, 2010 1:12 PM  
**To:** Liberties, Civil  
**Subject:** Civil Rights Complaint - (b)(6)  
**Attachments:** DHS Civil Rights Complaint - (b)(6).pdf; Contact Information and Consent.pdf

To Whom It May Concern:

I am submitting a civil rights complaint on behalf of (b)(6) and her husband (b)(6).  
(b)(6) Please find attached the detailed complaint and contact information.

Sincerely,

(b)(6)  
Legal Fellow / Staff Attorney  
ACLU of San Diego & Imperial Counties  
619-232-2121 (b)(6)  
(b)(6)@aclusandiego.org









**Homeland  
Security**

July 26, 2010

(b)(6)

Oaxaca, Mexico 68745

Re: Complaint No. 10-09-ICE-0126

Dear Ms. (b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) received information from the ACLU of San Diego & Imperial Counties on June 11, 2010, concerning your treatment by employees or officials of Immigration and Customs Enforcement (ICE) at San Marcos and San Diego, California, on April 22, 2010.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security (DHS) employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

CRCL takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be jointly investigated by Immigration and Customs Enforcement (ICE), a component of DHS, and by CRCL. In particular, we will work with ICE to review the following issues:

1. Whether the April 22, 2010 ICE operation was conducted in accordance with ICE policies and procedures;
2. Whether you were mistreated by ICE officers during your arrest;
3. Whether you were afforded the proper accommodations by the ICE officers when you reported your medical condition and your need to use a restroom;
4. Whether you were mistreated by ICE officers during processing at the downtown San Diego ICE facility (including access to a telephone, and legal access);
5. Whether ICE officers used excessive force to obtain your fingerprints;
6. Whether an ICE officer engaged in sexual misconduct when placing you in a DHS vehicle for your removal from the United States;
7. Whether your deportation was conducted in accordance with federal law and DHS policy.

We will work with ICE to review findings and assess compliance with civil rights requirements in these areas. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of the Department of Homeland Security.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

ICE or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact CRCL by phone at 1-866-644-8360, 1-866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov). When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

(b)(6)

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Copies to:

(b)(6)

Staff Attorney/Legal Fellow  
ACLU of San Diego & Imperial Counties  
P.O. Box 87131  
San Diego, CA 92138-7131

(b)(6)

San Marcos, CA 92069



Homeland  
Security

DATE: July 26, 2010

MEMORANDUM FOR: (b)(6), (b)(7)(C)  
Acting Deputy Director  
Office of Professional Responsibility  
Immigration and Customs Enforcement

Peter S. Vincent  
Principal Legal Advisor  
Immigration and Customs Enforcement

FROM: (b)(6)  
Director for Review and Compliance  
Office for Civil Rights and Civil Liberties

(b)(6)  
Attorney Advisor  
Office of General Counsel

SUBJECT: Complaint No. 10-09-ICE-0126

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that Immigration and Customs Enforcement (ICE) has violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to request that the appropriate office within ICE works in collaboration with CRCL staff to complete a joint inquiry into the enclosed complaint within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

*CRCL authorities.* Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in DHS Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

*Access to information.* More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the "information, material, and resources necessary to fulfill the functions" of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

*Protected by Attorney-Client and Deliberative Process Privileges*

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

*Reprisals forbidden.* In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

*Privilege and required transparency.* Our communications with ICE personnel and documents generated during this review will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 42 U.S.C. § 2000ee-1(f)(2), however, we submit quarterly reports to Congress—which are also posted on CRCL’s website—that provide, inter alia, “the type of advice provided and the response given to such advice;” and “a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.”

When the inquiry is complete, please provide CRCL with ICE’s findings and recommendations. CRCL will review them in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this complaint, please do not hesitate to contact my colleague, (b)(6) by phone at 202-357-(b)(6) 1-866-644-8331 (TTY), or by email at (b)(6)@dhs.gov.

Copies to:

[ice.opstasking@dhs.gov](mailto:ice.opstasking@dhs.gov)

[joint.intake@dhs.gov](mailto:joint.intake@dhs.gov)

(b)(6),(b)(7)(C)

Office of Professional Responsibility  
Immigration and Customs Enforcement

Enclosures



**OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
REFERRED COMPLAINT ASSISTANCE FORM**

| <b>REFERRED COMPLAINT ASSISTANCE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Assigned To:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Immigration and Customs Enforcement (ICE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Requested From:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | DHS Headquarters<br>Office for Civil Rights and Civil Liberties (CRCL)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>CRCL POC:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | (b)(6) Senior Policy Advisor (Compliance), 202-357-(b)(6)<br>(b)(6) @ dhs.gov.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Date Referred to ICE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | July 20, 2010                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Deadline to CRCL:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Within 180 days of the date on the attached memo.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>CRCL Complaint No:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 10-09-ICE-0126                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>SYNOPSIS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>On June 11, 2010, CRCL received a complaint from (b)(6) which was referred to our Office by the ACLU of San Diego &amp; Imperial Counties, alleging that ICE officers mistreated Ms. (b)(6) during her arrest, processing, and deportation on April 22, 2010. According to the complaint, Ms. (b)(6) was removed from her home in San Marcos, California; handcuffed and detained in a van for several hours where she was denied access to a restroom despite reporting her medical need; forcibly fingerprinted though she requested to speak to her attorney prior to fingerprinting; and groped in a sexual manner as she was being placed in a DHS vehicle for deportation purposes.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>ISSUES/ALLEGATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Issues/Allegations to be addressed in ICE Fact Finding Report/ROI submitted to DHS CRCL:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <div style="border: 1px solid black; padding: 5px;"><div style="display: flex;"><div style="width: 30px; text-align: right; padding-right: 5px;">1.</div><div>(b)(5), (b)(6)</div></div><div style="display: flex;"><div style="width: 30px; text-align: right; padding-right: 5px;">2.</div><div></div></div><div style="display: flex;"><div style="width: 30px; text-align: right; padding-right: 5px;">3.</div><div></div></div><div style="display: flex;"><div style="width: 30px; text-align: right; padding-right: 5px;">4.</div><div></div></div><div style="display: flex;"><div style="width: 30px; text-align: right; padding-right: 5px;">5.</div><div></div></div><div style="display: flex;"><div style="width: 30px; text-align: right; padding-right: 5px;">6.</div><div></div></div><div style="display: flex;"><div style="width: 30px; text-align: right; padding-right: 5px;">7.</div><div></div></div></div> |
| <b>Information/Documents requested by DHS CRCL:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | (b)(5), (b)(6)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: 10-09-ICE-0126

(b)(6)

| Data Object  | Date             | Event          | Field                                                                              | New Value | Tracking Id | User   | Reason   |
|--------------|------------------|----------------|------------------------------------------------------------------------------------|-----------|-------------|--------|----------|
| DhsComplaint | 2010-06-22 12:31 | Created        | Task                                                                               |           | 6640        | (b)(6) | migrated |
| DhsComplaint | 2010-06-22 12:31 | Created        |                                                                                    |           | 6640        |        | migrated |
| DhsComplaint | 2010-06-22 12:31 | Edited         |                                                                                    |           | 6640        |        | migrated |
| DhsComplaint | 2010-06-22 12:31 | Edited         | Task:Assignment: Assigned matter<br>From:(b)(6) To:DHS Due:2010-12-08 17:00:39.055 |           | 6640        |        | migrated |
| DhsComplaint | 2010-06-22 12:39 | Edited         |                                                                                    |           | 6640        |        | migrated |
| DhsComplaint | 2010-06-22 12:39 | Note Added     | Sent to IG:                                                                        |           | 6640        |        | migrated |
| DhsComplaint | 2010-06-22 17:18 | Document Added | Document: Acknowledgement Letter                                                   | (b)(6)    | 6640        |        | migrated |
| DhsComplaint | 2010-06-22 17:21 | Document Added | Document: 6 11 2010                                                                | (b)(6)    | 6640        |        | migrated |
| DhsComplaint | 2010-06-22 17:25 | Document Added | Document: 6 11 2010                                                                | (b)(6)    | 6640        |        | migrated |
| DhsComplaint | 2010-06-22 17:27 | Document Added | Document: 6 11 2010                                                                | (b)(6)    | 6640        |        | migrated |
| DhsComplaint | 2010-06-23 12:48 | Document Added | Document: Complaint No. 10-09-ICE-0126<br>From IG                                  |           | 6640        |        | migrated |
| DhsComplaint | 2010-06-23 12:48 | Document Added | Document: Complaint No. 10-09-ICE-0126<br>From IG 1                                |           | 6640        |        | migrated |

DHS-004-0000096



|              |                  |                |                                                                                                                                                                                                                                                                                                                                 |      |        |          |
|--------------|------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------|----------|
| DhsComplaint | 2010-06-23 12:50 | Edited         |                                                                                                                                                                                                                                                                                                                                 | 6640 | (b)(6) | migrated |
| DhsComplaint | 2010-06-23 12:50 | Note Added     | From IG:                                                                                                                                                                                                                                                                                                                        | 6640 |        | migrated |
| DhsComplaint | 2010-06-23 12:51 | Edited         |                                                                                                                                                                                                                                                                                                                                 | 6640 |        | migrated |
| DhsComplaint | 2010-06-23 12:51 | Note Added     | To awaiting Recommendation:                                                                                                                                                                                                                                                                                                     | 6640 |        | migrated |
| DhsComplaint | 2010-06-23 16:14 | Note Added     | (b)(6) received referral documents and approved same day.                                                                                                                                                                                                                                                                       | 6640 |        | migrated |
| DhsComplaint | 2010-06-23 19:09 | Edited         |                                                                                                                                                                                                                                                                                                                                 | 6640 |        | migrated |
| DhsComplaint | 2010-06-23 19:25 | Document Added | Document: ICE Email - request for A #                                                                                                                                                                                                                                                                                           | 6640 |        | migrated |
| DhsComplaint | 2010-07-01 11:10 | Edited         |                                                                                                                                                                                                                                                                                                                                 | 6640 |        | migrated |
| DhsComplaint | 2010-07-01 11:10 | Note Added     | Recommendation Submitted: (b)(5)<br>(b)(5),(b)(6)                                                                                                                                                                                                                                                                               | 6640 |        | migrated |
| DhsComplaint | 2010-07-09 20:18 | Note Added     | On 7/1/10 (b)(6) contacted (b)(6),(b)(7)(C) (b)(5),(b)(6) int for some time but were told to wait for the CRCL paperwork. (b)(6) put (b)(6) in contact with the ASAC in the area to discuss. ASAC (b)(6),(b)(7)(C) reported that they'd been waiting to investigate the compla the week of 7/12 and they would talk again then. | 6640 |        | migrated |
| DhsComplaint | 2010-07-12 14:27 | Edited         | Task:Assignment: Assigned matter<br>From: (b)(6) To: (b)(6)<br>Due:2010-12-08 17:00:39.0                                                                                                                                                                                                                                        | 6640 |        | migrated |
| DhsComplaint | 2010-07-12 14:27 | Note Added     | Approved (to Back From Officer):I think I already approved this, as a referred plus.                                                                                                                                                                                                                                            | 6640 |        | migrated |
| DhsComplaint | 2010-07-12 14:27 | Edited         |                                                                                                                                                                                                                                                                                                                                 | 6640 |        | migrated |
|              | 2010-            | Document       | Document: REFERRED-PLUS LTR (b)(6)                                                                                                                                                                                                                                                                                              |      |        |          |

|              |                     |                   |                                                                                                                                                                                                                                                                   |                                                    |        |                |
|--------------|---------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------|----------------|
| DhsComplaint | 07-27<br>16:49      | Added             | (b)(6) 0001                                                                                                                                                                                                                                                       | 6640                                               | (b)(6) | migrated       |
| DhsComplaint | 2010-07-27<br>16:49 | Document<br>Added | Document: REFERRED-PLUS MEMO<br>(b)(6) 0001                                                                                                                                                                                                                       | 6640                                               |        | migrated       |
| DhsComplaint | 2010-07-27<br>16:49 | Note<br>Added     | Referred:<br>This is a Referred-Plus Complaint                                                                                                                                                                                                                    | 6640                                               |        | migrated       |
| DhsComplaint | 2010-07-27<br>16:49 | Edited            |                                                                                                                                                                                                                                                                   | 6640                                               |        | migrated       |
| DhsComplaint | 2010-07-27<br>17:15 | Document<br>Added | Document: Email with (b)(6),(b)(7)(C)                                                                                                                                                                                                                             | 6640                                               |        | migrated       |
| DhsComplaint | 2010-07-27<br>17:15 | Document<br>Added | Document: Email to SAC (b)(6),(b)(7)(C)                                                                                                                                                                                                                           | 6640                                               |        | migrated       |
| DhsComplaint | 2010-07-27<br>17:15 | Document<br>Added | Document: Documents Emailed to ICE                                                                                                                                                                                                                                | 6640                                               |        | migrated       |
| DhsComplaint | 2010-07-27<br>17:15 | Document<br>Added | Document: REF FORM (b)(6)<br>(b)(6) 0001                                                                                                                                                                                                                          | 6640                                               |        | migrated       |
| DhsComplaint | 2010-07-27<br>17:17 | Document<br>Added | Document: Email with ACLU - New Address                                                                                                                                                                                                                           | 6640                                               |        | migrated       |
| DhsComplaint | 2010-09-02<br>16:09 | Document<br>Added | Document: Email New ICE ASAC re Onsite                                                                                                                                                                                                                            | 6640                                               |        | migrated       |
| DhsComplaint | 2010-09-02<br>16:12 | Note<br>Added     | When contacted San Diego area OPR ASAC to talk about onsite plans, was informed that he was leaving and there would be a new ASAC, so to hold off for a bit. On 9/2/10 sent another email and was introduced to the new ASAC (b)(6),(b)(7)(C)<br>In follow-up ema | il on 9/2 asked her to contact me to plan.<br>6640 |        | migrated       |
| DhsComplaint | 2010-09-29<br>13:54 | Create            | From Matters                                                                                                                                                                                                                                                      | migration<br>6640                                  |        | migration      |
| DhsComplaint | 2011-09-09<br>12:16 | Update            | External Tracking Number                                                                                                                                                                                                                                          | (b)(6)<br>6640                                     |        | User<br>Change |
| DhsComplaint | 2011-09-09          | Update            | Days to Process                                                                                                                                                                                                                                                   | 455<br>6640                                        |        | User<br>Change |

|                      |                  |        |                      |                                                                                                                                                                                                              |        |  |             |
|----------------------|------------------|--------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--|-------------|
|                      | 12:16            |        |                      |                                                                                                                                                                                                              |        |  | (b)(6)      |
| DhsComplaintAction   | 2013-01-22 07:54 | Create | Reporting Summary    | CRCL and ICE conducted a joint onsite investigation into these allegations. Based on records reviews and interviews with involved ICE personnel, ICE and CRCL concluded that the allegations were unfounded. | 109282 |  | User Change |
| DhsComplaintAction   | 2013-01-22 07:54 | Create | Document             | 10-09-ICE-0126 Close Memo FINAL.pdf                                                                                                                                                                          | 109282 |  | User Change |
| DhsComplaintAction   | 2013-01-22 07:54 | Create | Action Date          | 01/22/2013                                                                                                                                                                                                   | 109282 |  | User Change |
| DhsComplaintAction   | 2013-01-22 07:54 | Create | Internal Summary     | CRCL and ICE conducted a joint onsite investigation into these allegations. Based on records reviews and interviews with involved ICE personnel, ICE and CRCL concluded that the allegations were unfounded. | 109282 |  | User Change |
| DhsComplaintAction   | 2013-01-22 07:54 | Create | Action               | Closed - Referred/No Further Action                                                                                                                                                                          | 109282 |  | User Change |
| DhsComplaintAction   | 2012-11-14 09:43 | Update | Secondary Assignment | (b)(6)                                                                                                                                                                                                       | 101703 |  | User Change |
| DhsComplaintAction   | 2012-11-14 09:43 | Update | Primary Assignment   | (b)(6)                                                                                                                                                                                                       | 101703 |  | User Change |
| DhsComplaintAction   | 2012-10-25 11:35 | Update | Secondary Assignment | (b)(6)                                                                                                                                                                                                       | 101703 |  | User Change |
| DhsComplaintAction   | 2012-10-25 11:35 | Update | Primary Assignment   | (b)(6)                                                                                                                                                                                                       | 101703 |  | User Change |
| DhsComplaintAction   | 2011-02-10 13:29 | Update | Primary Assignment   | (b)(6)                                                                                                                                                                                                       | 101703 |  | User Change |
| DhsComplaintAction   | 2011-02-09 11:33 | Update | Primary Assignment   | (b)(6)                                                                                                                                                                                                       | 101703 |  | User Change |
| DhsComplaintDocument | 2013-01-22 07:55 | Create | Dateentered          | 01/22/2013                                                                                                                                                                                                   | 89186  |  | User Change |

|                      |                  |        |                  |                                                                               |       |        |             |
|----------------------|------------------|--------|------------------|-------------------------------------------------------------------------------|-------|--------|-------------|
| DhsComplaintDocument | 2013-01-22 07:55 | Create | Document Type    | Miscellaneous Material/Other                                                  | 89186 | (b)(6) | User Change |
| DhsComplaintDocument | 2013-01-22 07:55 | Create | Foreign Language | No                                                                            | 89186 |        | User Change |
| DhsComplaintDocument | 2013-01-22 07:55 | Create | Comments         | (b)(5)                                                                        | 89186 |        | User Change |
| DhsComplaintDocument | 2013-01-22 07:55 | Create | Document 1       | FW_ Closing memo_letter with ICE email.pdf                                    | 89186 |        | User Change |
| DhsComplaintDocument | 2013-01-22 07:55 | Create | Dateentered      | 01/22/2013                                                                    | 89185 |        | User Change |
| DhsComplaintDocument | 2013-01-22 07:55 | Create | Document Type    | Closed Letter                                                                 | 89185 |        | User Change |
| DhsComplaintDocument | 2013-01-22 07:55 | Create | Foreign Language | No                                                                            | 89185 |        | User Change |
| DhsComplaintDocument | 2013-01-22 07:55 | Create | Document 1       | 10-09-ICE-0126 Close Letter FINAL.pdf                                         | 89185 |        | User Change |
| DhsComplaintIssue    | 2011-08-12 13:39 | Update | Color            |                                                                               | 12199 |        | User Change |
| DhsComplaintIssue    | 2011-08-12 13:39 | Update | Disability       |                                                                               | 12199 |        | User Change |
| DhsComplaintIssue    | 2011-08-12 13:39 | Update | Other Issue      |                                                                               | 12199 |        | User Change |
| DhsComplaintIssue    | 2011-08-12 13:39 | Update | Race             |                                                                               | 12199 |        | User Change |
| DhsComplaintIssue    | 2011-08-12 13:39 | Update | Comments         | 07/01/2010: Recommendation Submitted: Referred Plus to ICE - Assign to (b)(6) | 12199 |        | User Change |
|                      |                  |        |                  | 07/09/2010: Approved (to Back From Officer):I think I already                 |       |        |             |

|                   |                  |        |                        |                                    |        |  |             |
|-------------------|------------------|--------|------------------------|------------------------------------|--------|--|-------------|
|                   |                  |        |                        | approved this, as a referred plus. |        |  |             |
|                   |                  |        |                        | RECOMMENDATION:                    | (b)(5) |  |             |
|                   |                  |        |                        | (b)(5),(b)(6)                      |        |  |             |
|                   |                  |        |                        | (b)(5)                             |        |  |             |
| DhsComplaintIssue | 2011-08-12 13:39 | Update | (b)(5)                 |                                    | 12199  |  | User Change |
| DhsComplaintIssue | 2011-08-12 13:39 | Update | Religion               |                                    | 12199  |  | User Change |
| DhsComplaintIssue | 2011-08-12 13:39 | Update | Situation              | DHS law enforcement activity       | 12199  |  | User Change |
| DhsComplaintIssue | 2011-08-12 13:39 | Update | Redirect to Subject    | No                                 | 12199  |  | User Change |
| DhsComplaintIssue | 2011-08-12 13:39 | Update | Incident Location Type |                                    | 12199  |  | User Change |
| DhsComplaintIssue | 2011-08-12 13:39 | Update | Sex                    |                                    | 12199  |  | User Change |

IMMIGRATION COURT  
625 EVANS STREET, ROOM 148A  
ELIZABETH, NJ 07201

In the Matter of

(b)(6)

Respondent

Case No.: (b)(6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on FEBRUARY 25, 2010.  
This memorandum is solely for the convenience of the parties. If the  
proceedings should be appealed or reopened, the oral decision will become  
the official opinion in the case.

[X] The respondent was ordered removed from the United States to SAUDI  
ARABIA.

- [ ] Respondent's application for voluntary departure was denied and  
respondent was ordered removed to or in the  
alternative to .
- [ ] Respondent's application for voluntary departure was granted until  
upon posting a bond in the amount of \$ \_\_\_\_\_  
with an alternate order of removal to .

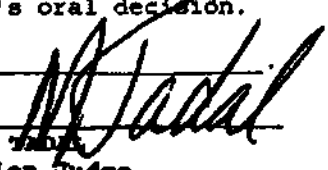
Respondent's application for:

- [ ] Asylum was ( ) granted ( ) denied ( ) withdrawn.
- [ ] Withholding of removal was ( ) granted ( ) denied ( ) withdrawn.
- [ ] A Waiver under Section \_\_\_\_\_ was ( ) granted ( ) denied ( ) withdrawn.
- [ ] Cancellation of removal under section 240A(a) was ( ) granted ( ) denied  
( ) withdrawn.

Respondent's application for:

- [ ] Cancellation under section 240A(b)(1) was ( ) granted ( ) denied  
( ) withdrawn. If granted, it is ordered that the respondent be issued  
all appropriate documents necessary to give effect to this order.
- [ ] Cancellation under section 240A(b)(2) was ( ) granted ( ) denied  
( ) withdrawn. If granted it is ordered that the respondent be issued  
all appropriated documents necessary to give effect to this order.
- [ ] Adjustment of Status under Section \_\_\_\_\_ was ( ) granted ( ) denied  
( ) withdrawn. If granted it is ordered that the respondent be issued  
all appropriated documents necessary to give effect to this order.
- [ ] Respondent's application of ( ) withholding of removal ( ) deferral of  
removal under Article III of the Convention Against Torture was  
( ) granted ( ) denied ( ) withdrawn.
- [ ] Respondent's status was rescinded under section 246.
- [ ] Respondent is admitted to the United States as a \_\_\_\_\_ until \_\_\_\_\_.
- [ ] As a condition of admission, respondent is to post a \$ \_\_\_\_\_ bond.
- [ ] Respondent knowingly filed a frivolous asylum application after proper  
notice.
- [ ] Respondent was advised of the limitation on discretionary relief for  
failure to appear as ordered in the Immigration Judge's oral decision.
- [ ] Proceedings were terminated.
- [ ] Other: \_\_\_\_\_

Date: Feb 25, 2010

  
MIRLANDE TADI  
Immigration Judge

Appeal: RESERVED BY APPLICANT

APPEAL: March 29, 2010



U.S. Department of Justice  
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

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File: (b)(6) Elizabeth, NJ

Date: JUN 30 2010

In re: (b)(6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

A Notice of Appeal (Form EOIR-26) must be filed within 30 calendar days of an Immigration Judge's oral decision or the mailing of a written decision unless the last day falls on a weekend or legal holiday, in which case the appeal must be received no later than the next working day. 8 C.F.R. § 1003.38(b), (c). In the instant case, the Immigration Judge's decision was rendered orally on February 25, 2010. The appeal was accordingly due on or before March 29, 2010. The record reflects, however, that the Notice of Appeal was filed with the Board of Immigration Appeals on June 14, 2010. We find that the appeal is untimely. The Immigration Judge's decision is accordingly now final, and the record will be returned to the Immigration Court without further action. See 8 C.F.R. §§ 1003.3(a), 1003.38, 1003.39, 1240.14 and 1240.15.

We note that because we are dismissing the appeal for lack of jurisdiction, either party wishing to file a motion in this case should follow the following guidelines: If you wish to file a motion to reconsider challenging the finding that the appeal was untimely, you must file your motion with the Board. However, if you are challenging any other finding or seek to reopen your case, you must file your motion with the Immigration Court. See *Matter of Mladineo*, 14 I&N Dec. 591 (BIA 1974); *Matter of Lopez*, 22 I&N Dec. 16 (BIA 1998). You should also keep in mind that there are strict time and number limits on motions to reconsider and motions to reopen. See sections 240(c)(6)(A) & (B) and 240(c)(7)(A) & C of the Immigration and Nationality Act, 8 U.S.C. §§ 1229a(c)(6)(A) & (B) and (c)(7)(A) & C; 8 C.F.R. §§ 1003.2(c)(2), 1003.23(b)(1); *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997).

In light of the foregoing, the following order will be entered.

ORDER: The record is returned to the Immigration Court without further action.

  
\_\_\_\_\_  
FOR THE BOARD



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
ELIZABETH, NEW JERSEY**

**File No.:** (b)(6)

**In the Matter of:**

(b)(6)

**Respondent.**

**IN REMOVAL PROCEEDINGS**

**ON BEHALF OF RESPONDENT**

(b)(6)

*Pro Se*

**ON BEHALF OF DHS**

Office of Chief Counsel/ICE/DHS  
625 Evans Street, Room 135  
Elizabeth, New Jersey 07201

**INTERLOCUTORY DECISION & ORDER OF THE IMMIGRATION JUDGE**

**I. Facts and Procedural History**

(b)(6) ("Respondent"), a native and citizen of Saudi Arabia, was admitted to the United States ("U.S.") at New York, New York, on or about May 7, 2006 as a nonimmigrant student to attend classes (b)(6) New York, New York. On or about January 8, 2007, Respondent transferred to (b)(6) (b)(6). On or about September 15, 2009, Respondent stopped attending classes at (b)(6) and his student status was thus terminated. On January 13, 2010, Respondent was detained and a Notice to Appear ("NTA") was issued by the Department of Homeland Security ("DHS") charging him removable in violation of INA § 237(a)(1)(C)(i)<sup>1</sup> under the foregoing facts. (Exh. 1).

On January 19, 2010, Respondent appeared for a Master hearing. The Court provided Respondent the opportunity to seek counsel, but he voluntarily chose to represent himself. Respondent admitted allegations 1 through 4; denied allegation 5; and denied the charge of removability under INA § 237(a)(1)(C)(i). Specifically, Respondent claimed that his student status was not terminated after September 15, 2009. DHS submitted written correspondence from (b)(6) Associate Director, International Students & Scholars Office, Columbia University, dated November 13, 2009. (Exh. 2).

On February 8, 2010, Respondent appeared *pro se* before the Court for a Master hearing. Respondent contested the charge under INA § 237(a)(1)(C)(i) and maintained

<sup>1</sup> INA § 237(a)(1)(C)(i) states "[A]ny alien who was admitted as a nonimmigrant and who has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248, or to comply with the conditions of any such status, is deportable." *Id.*

that his student status was not terminated after September 15, 2009. In support of his claim, Respondent submitted electronic mail from (b)(6) Immigration Advisor, (b)(6) dated November 4, 2009. (Exh. 3)

## II. Findings of the Court

8 C.F.R. § 1240.8(c) and INA § 240(c)(2)(B) establish definitive burdens of proof in removal proceedings. In pertinent part, the foregoing regulation and statute state:

“Once the alienage has been established, unless the respondent demonstrates by *clear and convincing evidence* that he or she is lawfully in the United States pursuant to a prior admission, the respondent must prove that he or she is clearly and beyond a doubt entitled to be admitted to the United States and is not inadmissible as charged.” 8 C.F.R. § 1240.8(c)(emphasis added); and

“In the proceeding the alien has the burden of establishing by *clear and convincing evidence*, that the alien is lawfully present in the United States pursuant to a prior admission.” INA § 240(c)(2)(B)(emphasis added).

Respondent admitted his alienage and does not contest this allegation in the NTA. As such, the burden of proof shifted to Respondent to demonstrate by “clear and convincing evidence” that he is “lawfully in the United States pursuant to a prior admission.” *Id.* In support of his claim that his student status was not terminated, Respondent stated that he “registered for the fall [semester], attended the first week [of classes]” and after September 15, 2009, he “was in the process to sort (sic) the problem to update his registration.” (Hearing Tape, Jan. 19, 2010, minute 3:25). Respondent submitted a November 4, 2009 electronic correspondence from an Immigration Advisor at (b)(6) with the subject “Deadline for I-20 extensions” and a list of five “important points” about his immigration status. (Exh. 3).

When specifically asked whether he re-registered and became a full-time student after September 15, 2009, Respondent stated “no.” (Hearing Tape, Jan. 19, 2010, minute 3:55). Additionally, the November 4, 2009 correspondence submitted by Respondent was in the form of electronic mail, unofficial, informal correspondence, and not of legal import to be relied upon. The same correspondence further notified Respondent that he was a “student in F-1 status whose I-20 expires at the end of the fall semester ... on December 11, 2009” and advised him to “stop by [the Office of Immigration Advising] immediately should [he] have any questions or concerns.” (Exh. 3, (b)(6) (b)(6) Nov. 4, 2009). Moreover, DHS submitted correspondence from (b)(6) Associate Director, International Students & Scholars Office, Columbia University, on official letterhead specifically indicating that after September 15, 2009, Respondent “was no longer enrolled by the University. He was withdrawn by the school for failure to attend class.” (Exh. 2, (b)(6) Nov. 13, 2009).

Respondent's testimony that he "[only] attended the first week" of classes in the fall semester contradicts his position that his student status was not terminated after September 15, 2009. Respondent has not presented any official objective evidence to demonstrate that he maintained his student status at (b)(6) after September 15, 2009. Based on the foregoing, Respondent has failed to present "clear and convincing evidence" under 8 C.F.R. § 1240.8(c) and INA § 240(c)(2)(B), that after September 15, 2009, he was "lawfully in the United States pursuant to a prior admission." *Id.*

### III. Conclusion

Respondent's submission in support of his claim does not show that he maintained his student status at (b)(6) after September 15, 2009. Therefore, the court sustains the allegation that Respondent is removable as charged according to INA § 237(a)(1)(C)(i).

### ORDER

IT IS ORDERED that the charge under INA § INA § 237(a)(1)(C)(i) is SUSTAINED.

IT IS FURTHER ORDERED that Respondent return to court on February 18, 2010 at 8:30 a.m. for a Master Calendar Hearing to present any applications for relief.

Date

2/9/2010

Mirlande Padal  
Immigration Judge

## Escort Threat Assessment

For use when determining need for escorts when transporting via commercial air carrier.

Alien name: (b)(6) A# (b)(6)  
Date of birth: (b)(6) Sex: M ☒ / F ☐ Country of citizenship: Saudi Arabia  
Field/sub office: Newark/Elizabeth

I. THREAT TO NATIONAL SECURITY/TERRORIST NEXUS: No ☒ / Yes ☐ (Yes = 3b = escort)

### II. EVALUATION:

A. Criminal history that demonstrates current propensity toward violent behavior: (list/explain)

None

B. Escape history: (list/explain)

None

C. Disciplinary incidents while in custody: (list type of incident and sanction)

Subject refused removal on 4/12/2010.

### III. SPECIAL CONCERNS:

- ☐ Known management problem ☐ Medical problem/physical impairment ☒ Other: (specify)  
☐ Serious violence threat ☐ Psychological/mental impairment  
☐ Known gang affiliation ☐ Suicide risk

Describe concern(s): Subject refused removal on April 12, 2010.

### IV. RECOMMENDED CLASS DESCRIPTOR: 3

(b)(6),(b)(7)(C)

Printed name and title of classification officer

Signature of classification officer

4/13/2010

Date

V. SUPERVISORY REVIEW: ☒ Concur ☐ Do Not Concur

Comments:

(b)(6),(b)(7)(C)

Printed name and title of supervisor

Signature of supervisor

4/13/2010

Date

VI. FINAL CLASS DESCRIPTOR: 3 ESCORT: ☒ Yes / ☐ No NUMBER OF ESCORT OFFICERS: 2

WOULD THIS REMOVAL REQUIRE AN ESCORT UNDER THE 2002 ESCORT POLICY?: ☒ Yes / ☐ No

Comments:

(b)(6),(b)(7)(C)

Printed name and title of authorizing official

Signature of authorizing official

4/13/10

Date





















**From:** (b)(6)  
**To:**  
**Cc:**  
**Subject:** RE: CRCL Complaint no. 10-10-ICE-0164  
**Date:** Tuesday, August 17, 2010 12:49:15 PM

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6)@dhs.gov]  
**Sent:** Monday, August 16, 2010 5:37 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** CRCL Complaint no. 10-10-ICE-0164

(b)(6)

Please review new complaint no. 10-10-ICE-0164:

On July 13, 2010, CRCL received a letter from (b)(6) a Saudi Arabian citizen who was arrested by ICE for failing to comply with the terms of his student visa. Mr. (b)(6) states that on January 13, 2010, officers entered his apartment without his consent, notice, or court papers. Mr. (b)(6) states that he informed ICE personnel that his immigration case was currently before the Board of Immigration Appeals, however, ICE personnel repeatedly disregarded the BIA process, and gave Mr. (b)(6) additional paperwork to sign related to his deportation and final order of removal.

Mr. (b)(6) states that he was forcibly placed on a Delta flight to Cairo out of JFK; DHS employees dragged a handcuffed Mr. (b)(6) through the airport, pushing him on the right, left and backside, until he was placed on the plane. On the plane, his hands were cuffed behind his back to a belt fastened around his waist. After much discussion between the DHS officers and the captain of the plane, the captain determined that he did not want Mr. (b)(6) on his flight. Mr. (b)(6) was taken off the flight and escorted to the Elizabeth Detention Center for the night. Elizabeth Detention Center did not complete any health checks when Mr. (b)(6) arrived in their custody. Mr. (b)(6) was recharged, and taken back to Essex County Jail.

Mr. (b)(6) asks for justice against those who infringed upon his rights.

NOTE: According to EARMS, Mr. (b)(6) is not an aggravated felon and is currently being held at the Essex County Jail.

Please reply to me, with copy to (b)(6)

Thanks,

(b)(6)

Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
202-357-(b)(6) (New phone number as of June 28, 2010)  
(b)(6)@hq.dhs.gov

## SHORT FORM COMPLAINT CLOSURE RECOMMENDATION

To: Tamara Kessler  
From: (b)(6)  
Date: May 9, 2011  
Complaint: (b)(6) 10-10-ICE-0164<sup>1</sup>

### Recommendation:

(b)(5)

### Complaint Synopsis:

On July 13, 2010, CRCL received a letter from (b)(6) a Saudi Arabian citizen who was arrested by ICE for failing to comply with the terms of his student visa. Mr. (b)(6) states that on January 13, 2010, he was arrested by ICE, processed, and transferred to Elizabeth Detention Facility in Elizabeth, New Jersey. Mr. (b)(6) alleges that while in detention, ICE actively continued steps to effect his removal despite the fact that he had informed ICE personnel that his immigration case was currently before the Board of Immigration Appeals. (BIA). Mr. (b)(6) alleges that ICE personnel repeatedly disregarded the BIA process by giving him additional paperwork to sign related to his deportation and final order of removal. Further, it is alleged that while his BIA appeal was pending, Mr. (b)(6) was placed on a flight for removal from the country. Additionally, Mr. (b)(6) complains that while he was being escorted to the flight, he was handcuffed and pushed by officers. According to Mr. (b)(6) once the officers seated and belted him, the captain of the flight approached officers. The captain eventually decided that Mr. (b)(6) would not fly, so officers escorted Mr. (b)(6) to Essex County Jail in Newark, New Jersey. Mr. (b)(6) alleges that his shirt was "worn off" from the officer's actions, and he did not receive an adequate medical checkup after being admitted to Essex County Jail, after the removal attempt.

### Suggested closure method(s):

(b)(5)

### Explanation (Attach any relevant information used in making the recommendation).

We addressed the following in regard to Mr. (b)(6) complaint:

(b)(5),(b)(6)

<sup>1</sup> The complainant was removed from the United States on August 24, 2010. With no contact information available, CRCL is unable to send a close letter to the complainant.







JUL 13 2010

## Honorable Board Members:

My name is (b)(6) I'm a citizen of the Kingdom of Saudi Arabia. On the continuance and forgoing of the infringement of human right, in specific regarding my situation with the ICE workers. On January 13, 2010, four persons entered my apartment in Manhattan, NY without my consent or any court orders or notice. They crossed threshold as invaders. They created unsafe and unsecured environment. I awoke with fear, and found out that they were entitled under ICE. One of the Federal agents, (b)(6),(b)(7)(C) told me that my immigration status was terminated, because the time of my F-1 VISA was expired. I was stunned because I was complying to every single report that was sent to me via Immigration Circuit Office, (b)(6) I tried to show him the letter in my apartment that was issued by Immigration Advisor in (b)(6) He ignored it and told me you'll come back later, and arrested me right there. Also, the Agent (b)(6),(b)(7)(C) offered me a closed bottled of water to drink in attempt to provoke me while I was hand-cuffed in the back of the car. The agent (b)(6),(b)(7)(C) said : "This is water if you want".

They took me to the Federal building in downtown Manhattan, NY. The agent (b)(6),(b)(7)(C) with others passed me papers to sign. From the shock, I signed many papers over there, and even without focus. I was a very patient in order that justice takes place. In the process of removal proceeding, Deportation Officer / (b)(6),(b)(7)(C) was careless during the dealing with my case and without integrity as person in charge. I asked him once about my case. He replied:" I don't know." Then, after the Final Order of Immigration Judge, he gave me a paper to sign that it entitled under Warning for failure to depart. I informed him:" My case still in process." He said:" Don't worry." Just a regular paper. I replied him:" O.K. I'll sign it. Then, he took the original document and left me a copy of it. ICE/ (b)(6),(b)(7)(C) treated me as product to stamp it, not in the way that he should be with integrity to deal my case. Where as, the response from BOARD OF IMMIGRATION APPEALS takes approximately 2 months more or less. He ignored me intentionally while I explained to him that "I am waiting for response from B.I.A. AS PROCESS, AND AS MY RIGHT TOO."

He stepped away from me to go out from the dorm H without shown him a copy of B.I.A that I already sent before deadline of appealing [MARCH 29]. In addition, the officer at Elizabeth detention center in dorm H told me "pick up" . I refused the decision and I emphasis to them that my case is still in process. Then, they transferred me to Essex County Jail in Newark, NJ.

Since the month of APRIL, I suffered a lot at Essex County Jail in the way how they treat me. I tried to talk to who supposed in charge of my case according to my ending digit's number: A. (b)(6) I asked ICE worker / (b)(6),(b)(7)(C) to check my status, whether they received any response from B.I.A. or related to my situation here. He replied: we don't have any information about your case. Your file at Elizabeth Detention Center 625 Evans St., NJ. Then, after a week I talked

with Supervisor ICE at Essex County Jail with dire concern that I want to know and check my status and why I'm here at Essex County jail. I told him: "I'm waiting a response from B.I.A., and I have a copy the documents that I had sent previously. I was discussing my case that how they attempt to deport me while I follow the process of my right in appealing my case! He replied: "They still can deport you. I replied him: I have a copy of the documents that I sent before, and also I have a copy of a Notice of Appeal that I had sent recently. He didn't have a copy of it. Then, he left Dorm 3 at Essex County jail. After a few days, they call me to deport me, and to sign papers with people under ICE. I informed that I'm waiting for response from B.I.A. They told me: "sign here" You can't deport me, and I have a copy of appealing documents of my case, and I tried to show them the copy that I possess, but they disregard that. Then, I signed the papers that they gave me with absent minded!

After that, they took me to JFK airport, New York. At the check border point before getting the plane, which it was on DELTA airways, and the flight is going toward Cairo at night time. It was a lot of individual arguments between who acted three persons, who acted under ICE. One of them is called (b)(6),(b)(7)(C) And I see clearly disapproval from the members of Delta airway's administrative officers, or who related to it. Despite of that, they attempt to pursue them to get me inside the plane. After extended conversation with them, they got along with the situation silently with confusion. Then they told me: go ahead. I informed them: My case is still in process in spite of that I show the person under ICE, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) As few pages of B.I.A. documents that I sent. In violent manner, three persons dragged me cruelly with strong tied cuffed surrounded my hands. Our Honorable Board Judges I was kidnapped. They were surrounded me by force. They pushed on the right, on the left, and on the back side. They treated me in inhuman way violently, even my shirt was worn out off on the front from coward and terrorist behaviors. They got me inside the plane by force without any concern about my health condition or my consent. They dragged me cruelly till they got me on the plane's seat. They put safety belt the middle of my body with 2 strong cuffed handed on the back, and not on the front of my body as usual routine. I still have traces on my hand from cruel

practices. The captain of the plane asked two critical and important questions to those people who kidnapped me with stunned looking: Is this the way how you deal with situation like this! Their response is" it's a normal in attempt to ease the horrible situation. 2. The captain asked: Is his hands are going to be on this position, which is 2 tied handed on the back, which is the normal procedure should be on the front, not on the back side. The captain said: how he is going to eat, drink, and to use the restroom! The kidnappers replied: we'll do that. Silently, the captain went back to his plane cabinet. They were arguments between me and the 3 kidnappers for 10 min. or more , then , one member of the plane staff informed them: the captain said: he want him off the plane. The kidnappers took me off the plane that was going toward CAIRO on Delta's airways. They pushed me between time and another till I got out of the JFK airport, then, inside their car. They took me back to Essex County Jail in NJ at night. They refused to get me inside because I was discharged. Then, they held me in another place, which is Elizabeth Detention Center in Elizabeth, NJ. They held me with out health care check despite the fact that I was in dire situation after the violent behaviors. On the next day, they complete some procedure back and forth between Elizabeth detention center and Essex County Jail to charge me again in order to put me in the Essex County Jail. I still suffering a lot of unjust terrorist acts that involved in my case as human right was given in this country.

With all sorrow and sadness, I still can't believe what occurred to me in the U.S. So that, I humbly request your justice to take the serious acts against those violators, and stop all these infringements, and to be lesson to every body misbehave the authority that was given to them, with the consideration of civil right and civil liberty that this country stand for. I pray for almighty to stand firmly against the oppression and different color of unjust.

(b)(6)



Dated: May 28, 2010

## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: 10-10-ICE-0164

(b)(6)

| Data Object  | Date             | Event          | Field                                                               | New Value                          | Tracking Id | User   | Reason   |
|--------------|------------------|----------------|---------------------------------------------------------------------|------------------------------------|-------------|--------|----------|
| DhsComplaint | 2010-08-16 19:00 | Created        | Task                                                                |                                    | 6698        | (b)(6) | migrated |
| DhsComplaint | 2010-08-16 19:00 | Created        |                                                                     |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-16 19:00 | Edited         |                                                                     |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-16 19:00 | Edited         | Task:Assignment: Assigned matter                                    |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-16 19:00 | Edited         | From (b)(6)                                                         | To:DHS Due:2011-01-09 17:00:02.152 | 6698        |        | migrated |
| DhsComplaint | 2010-08-16 19:00 | Edited         |                                                                     |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-16 19:00 | Note Added     | Sent to IG:                                                         |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-17 18:36 | Document Added | Document: incoming correspondence (received 7-13-2010)              |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-17 18:36 | Document Added | Document: OIG declination email - CRCL Complaint no. 10-10-ICE-0164 |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-17 18:37 | Note Added     | From IG:                                                            |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-17 18:37 | Edited         |                                                                     |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-17 18:38 | Edited         |                                                                     |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-17 18:38 | Note Added     | To awaiting Recommendation:                                         |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-18 16:27 | Note Added     | Recommendation (b)(5)                                               |                                    | 6698        |        | migrated |
| DhsComplaint | 2010-08-18 16:27 | Edited         |                                                                     |                                    | 6698        |        | migrated |
|              |                  |                | Approved (to Back From Officer) OK (b)(5)                           |                                    |             |        |          |

DHS-004-0000126

|                    |                  |                |                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |        |             |
|--------------------|------------------|----------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------------|
| DhsComplaint       | 2010-08-21 23:26 | Note Added     | (b)(5)                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 6698   | migrated    |
| DhsComplaint       | 2010-08-21 23:26 | Edited         |                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 6698   | migrated    |
| DhsComplaint       | 2010-08-21 23:26 | Edited         | Task:Assignment:<br>Assigned matter<br>From: (b)(6)<br>To: (b)(6)<br>Due:2011-01-09 17:00:02.0 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 6698   | migrated    |
| DhsComplaint       | 2010-08-24 18:00 | Document Added | Document:<br>Acknowledgement Letter (b)(6)                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 6698   | migrated    |
| DhsComplaint       | 2010-09-29 13:54 | Create         | From Matters                                                                                   | migration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 6698   | migration   |
| DhsComplaintAction | 2011-02-03 13:05 | Create         | Action Date                                                                                    | 02/03/2011                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 103337 | User Change |
| DhsComplaintAction | 2011-02-03 13:05 | Create         | Action                                                                                         | Short Form                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 103337 | User Change |
| DhsComplaintAction | 2011-05-10 15:17 | Create         | Action Date                                                                                    | 05/10/2011                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 104913 | User Change |
| DhsComplaintAction | 2011-05-10 15:17 | Create         | Reporting Summary                                                                              | In July 2010, CRCL received a complaint from a detainee who was being detained by ICE in a county jail in New Jersey. According to the complainant, ICE actively tried to remove him from the country despite having an active appeal pending with the Board o<br><br>On July 13, 2010, CRCL received a letter from (b)(6)<br>(b)(6) a Saudi Arabian citizen who was arrested by ICE for failing to comply with the terms of his student visa. Mr. (b)(6) states that on January 13, 2010, he was arrested by ICE, | 104913 | User Change |
| DhsComplaintAction | 2011-05-10 15:17 | Create         | Internal Summary                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 104913 | User Change |
| DhsComplaintAction | 2011-05-10       | Create         | Action                                                                                         | Closed - Short Form/No Further                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 104913 | User Change |

|                      |                  |        |                        |                                                       |       |        |             |
|----------------------|------------------|--------|------------------------|-------------------------------------------------------|-------|--------|-------------|
|                      | 15:17            |        |                        | Action                                                |       | (b)(6) |             |
| DhsComplaintDocument | 2011-05-10 15:03 | Create | Foreign Language       | No                                                    | 83833 |        | User Change |
| DhsComplaintDocument | 2011-05-10 15:03 | Create | Dateentered            | 05/10/2011                                            | 83833 |        | User Change |
| DhsComplaintDocument | 2011-05-10 15:03 | Create | Document 2             | 10-10-ICE-0164 Supporting DOCS.PDF                    | 83833 |        | User Change |
| DhsComplaintDocument | 2011-05-10 15:03 | Create | Document Type          | Short Form Doc                                        | 83833 |        | User Change |
| DhsComplaintDocument | 2011-05-10 15:03 | Create | Document 1             | SHORT FORM 10-10-ICE-0164 tjk_Signed 051011.pdf       | 83833 |        | User Change |
| DhsComplaintIssue    | 2011-10-18 16:20 | Update | Religion               |                                                       | 12276 |        | User Change |
| DhsComplaintIssue    | 2011-10-18 16:20 | Update | Incident Location Type | BCIS Facility                                         | 12276 |        | User Change |
| DhsComplaintIssue    | 2011-10-18 16:20 | Update | Situation              | Immigration detention                                 | 12276 |        | User Change |
| DhsComplaintIssue    | 2011-10-18 16:20 | Update | Redirect to Subject    | No                                                    | 12276 |        | User Change |
| DhsComplaintIssue    | 2011-10-18 16:20 | Update | Incident Location      |                                                       | 12276 |        | User Change |
| DhsComplaintIssue    | 2011-10-18 16:20 | Update | Disability             |                                                       | 12276 |        | User Change |
|                      |                  |        |                        | 08/18/2010: Recommendation (b)(5),(b)(6)              |       |        |             |
| DhsComplaintIssue    | 2011-10-18 16:20 | Update | Comments               | 08/23/2010: Approved (to Back From Officer):OK (b)(5) | 12276 |        | User Change |
| DhsComplaintIssue    | 2011-10-18 16:20 | Update | Color                  |                                                       | 12276 |        | User Change |
| DhsComplaintIssue    | 2011-10-18 16:20 | Update | Other Issue            |                                                       | 12276 |        | User Change |



|                   |                            |      |       |        |             |
|-------------------|----------------------------|------|-------|--------|-------------|
| DhsComplaintIssue | 2011-10-18 Update<br>16:20 | Sex  | 12276 | (b)(6) | User Change |
| DhsComplaintIssue | 2011-10-18 Update<br>16:20 | Race | 12276 |        | User Change |



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
COMPLAINT WITHOUT RECOMMENDATIONS  
CLOSURE MEMORANDUM

To: (b)(6)  
From: (b)(6)  
Through:  
Date: March 15, 2013  
Complaint Number: 11-01-ICE-0005  
Complainant Name: (b)(6)

**Reasons for Closure without Recommendations:**

(b)(5)

**Complaint Synopsis and Explanation of Closing Rationale:**

On October 4, 2010, CRCL received from DHS Executive Secretariat a September 21, 2010, letter to DHS Secretary Janet Napolitano from Ms. (b)(6) alleging that her godson, (b)(6) a U.S. Immigration and Customs Enforcement (ICE) detainee at the time, and several other men were the victims of racial and religious profiling. Ms. (b)(6) alleges that ICE Special Agent (SA) (b)(6), (b)(7)(C) was harassing and targeting for immigration enforcement Mr. (b)(6) and the other men because they were Muslim and from Niger. Additionally, Ms. (b)(6) alleges there were deficient conditions of detention at Baker County Detention Center, where Mr. (b)(6) was being detained. The Joint Intake Center also received Ms. (b)(6) complaint (b)(5)

(b)(5), (b)(6)





November 1, 2010

(b)(6)

Jacksonville, Florida 32221



**Homeland  
Security**

Re: Complaint No. 11-01-ICE-0005

(b)(6)

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on October 1, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000cc-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000cc-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at [crcel@dhs.gov](mailto:crcel@dhs.gov) or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties











Secretary Janet Napolitano  
Department of Homeland Security  
Washington, D.C., 20528

September 21, 2010

Ref: (b)(6)

Dear Secretary Napolitano:

I am writing this letter to you to bring attention to the racial and religious profiling against Muslims from Niger, Africa, by one of your agents, (b)(6),(b)(7)(C) who is with I.C.E. (immigration and custom enforcement) in Jacksonville, Florida. This Agent has made the lives of several African Muslims a living hell and there seems to be nothing that these young men can do, except wait to be imprisoned and possibly deported.

I am the God-mother of one of these young men, his name is (b)(6). I met this young man when he enrolled at Florida Community College. I was his Counselor and Advisor. He could speak very little English but enrolled in ESL classes, GED classes and later enrolled for college credit classes. He has successfully completed his Associates of Arts degree, and completed his Associates of Applied Science degree in Practical Nursing and is just about to complete his Bachelors degree in Nursing. His desire is to graduate with his BSN degree and to work and have a better life. He has done this under great stress because of the inhumane treatment he has gotten from Agent (b)(6),(b)(7)(C) who began a witch hunt to find any kind of violation of the immigration laws in order to deport these young men.

What he did find in violation was all eight of these young men who were in this country legally on student visas, also had to work. They had no idea how expensive it would be to live and go to school in this country. Even though their families help out as much as possible, they still needed living expenses because they paid out of state tuition. They were able to get jobs making \$7.00 per hour to help out with expenses. They had social security cards and they paid taxes.

They were arrested and sent to a Federal Prison in Georgia for this violation. After they got out of prison on bail, they were put on probation and harassment from this agent (b)(6),(b)(7)(C) who has been relentless in trying to find anything to arrest them again, even if it's a parking ticket. There were eight young Muslim men from Niger, he has already deported two.

This agent and two others came to my house, without a warrant where (b)(6) was living and traumatized everyone in the house with their aggressive knocking and banging on the door. They did damage to my door but no one open the door because of fear. Because (b)(6) is on probation, his probation officer asked him to come in to see him. When he got to the office this agent was there to arrest him.

(b)(6) is in Baker County Detention Center, charged with nothing. The immigration sent a letter denying his appeal for asylum and gave him 30 days to appeal it. His attorney has filed a motion to reopen this case, and they should not have arrested him. He has spent thousands of dollars for attorney fees and he just does not have any money. This agent took all of his papers, his green card and work permit. This agent seems to have influence over the immigrations department and judges. All of these young men were brought before the same judge Earl B. Wilson, who obviously, was prejudice against

Muslims also and denied all of their pleas for mercy and sent them to Federal Prison like criminals and they had not broken any laws. Violation of a not to work law should have been a fine, not a prison sentence. There are many illegal immigrants in this country who have done worst and have not been deported

I am pleading with you to look into this matter before they deport (b)(6). He has worked so hard to become a nurse and is very close to finishing his degree. His desire is to stay in this country and make it home. He has not broken any laws of the land. He is a good, moral person. As a nurse he has chosen a noble profession to help others.

I plead with you to investigate this agent (b)(6),(b)(7)(C). He has made sarcastic comments against the religion of these young men, such as "Go tell your God that you pray to that I am going to send you home. We don't want people like you in this country". Also, "every house I go in, I see this prayer rug, we don't want your kind here." In the investigation of Fatoulaye, agent (b)(6),(b)(7)(C) tried to prejudice me by his comments that "these people pretend to be innocent and helpless so that they can use Americans".

The reason that I am writing this letter, I am a Christian, and American, and injustice is just that. It can't be excused for any people. Please help.

There are at least 200 immigrants sitting in Baker County Jail. They have no windows in the jail, the inmates have not seen the light of day since their arrest. They are not given an opportunity to go outside for exercise or recreation. They can only look at TV, pray and eat and sleep. They can not even have contact with visitors; they must talk from their dorms on telephone monitors. This is cruel and inhumane treatment of these immigrants. (b)(6) is not a criminal and to be put in this kind of environment is criminal. He would have left the country if given an opportunity after he had exhausted all legal appeals to remain in the United States. Why is he in jail traumatized because he wanted to have a better life?

Secretary Napolitano, I implore you to help my god-son to be released from Baker County Jail, where he has been held for over two weeks, charged with nothing except being a "Muslim". He desires to complete his BSN degree and become a law-abiding contributing citizen. It is wrong to make criminals out of immigrants who are here legally. My god-son had a student visa, and is married to an American citizen. Immigration has completely disregarded the marriage all together. It use to be when a person married an American citizen this provided certain opportunities but with this Agent (b)(6),(b)(7)(C) influence there is no consideration given to his wife. Please see copy of wife's letter attached. This agent has taken everything away from this young man. The agent even had his driver's license cancelled.

Thank you for your consideration of this matter.

Sincerely,

(b)(6)

(b)(6)

Jacksonville, Florida, 904 (b)(6)

September 28, 2009

(b)(6)

TO WHOM IT MAY CONCERN:

I am writing this letter to because of the injustice that I have suffered from the Department of Immigration and Home Land Security. I am an American citizen and my husband is from Niger, Africa. My husband is a Muslim and I am a Christian.

In October 2007, my husband and I had received a letter from the Immigration giving us an appointment to come in for an interview. We kept the appointment but I was not prepared for the embarrassing question that I was asked when they separated me from my husband. I was asked some sexually explicit questions about our married life. I felt this was an invasion of my privacy. The interviewer kept trying to get me to say things that were not true. They even wanted to know why I married a Muslim and not someone of my own faith. They asked me if I knew that Muslims were terrorist. They then handcuffed me and made me feel that I had done something wrong, this frighten and intimidated me.

I was later told that they had arrested my husband and would not tell me anything about the charges. They also took the keys to our car and kept the car, when they finally released me they told me that I would have to get home the best way that I could. They would not even let me use the telephone to call my family to try and get someone to come pick me up. They put me out of the building and I had to go and find a telephone to use. I have never experienced anything like this in my life. Almost anyone will let you use the telephone.

This harassment from Immigration has not stopped. (b)(6),(b)(7)(C) and other people pushed there way into my house without any warning. They interrogated me over and over again and ask me "am I ready to tell them the truth, implying that what I have already told them is a lie. They have gone to the housing authority for the apartments that I lived in and said things about my husband and I which were not true. I got evicted from my apartment and had to move in with relatives.

They have come to my job and insinuated untruths which put a lot of pressure on me, resulting in me having to leave my job. This whole thing with immigration has caused me and my husband much stress and hardship. They have gone to all my family members and friends insinuating lies, and attacking the character of me and my husband. I had no idea that people who are hired to protect you could be so cruel and intimidating and liars.

My husband is in a deportation status now, trying to get an appeal because he has done nothing wrong and neither have I. These people have no care or consideration for my marriage and needless to say this has put a great strain between me and my husband. He

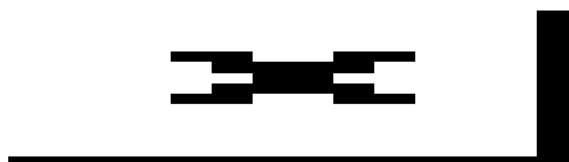
has been unable to work for almost two years. We have had to spend all of our money on lawyers and I am the only one supporting everything. This is unreal and it is not fair, and no one seems to care. That's why I am sending this letter to everyone I can think of including the President in hopes that someone can help us. If you can be of any assistance, we would greatly appreciate it. Please contact me.

Sincerely,

(b)(6)



**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, October 26, 2010 9:52 AM  
**To:** (b)(6)  
**Subject:** RE: Complaint No. 11-10-ICE-0005



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6)@associates.dhs.gov]  
**Sent:** Thursday, October 21, 2010 11:47 AM  
**To:** (b)(6)  
**Cc:** [Redacted]  
**Subject:** Complaint No. 11-10-ICE-0005

PLEASE REVIEW.

On October 4, 2010, CRCL received from DHS Executive Secretariat (ES) a September 21, 2010 letter to DHS Secretary Janet Napolitano from Ms. (b)(6) writing with

regard to her godson, Mr. (b)(6) (Exec Sec Workflow No. 883065). In her correspondence, Ms. (b)(6) alleges that ICE Special Agent (SA) (b)(6),(b)(7)(C) of the Jacksonville, Florida ICE Office, has engaged in racial and religious profiling of Muslims from the country of Niger. She claims that SA (b)(6),(b)(7)(C) improperly targeted eight African Muslim young men from Niger, including Mr. (b)(6) and committed due process violations to try to get them deported. (Ms. (b)(6) does not provide the names of any of the other men who were subjected to the profiling by SA (b)(6),(b)(7)(C) if known. She states that two of them have been deported.) Ms. (b)(6) states that all of those young men were legally in the U.S. on student visas, and had to work to support themselves. They were arrested for unauthorized employment. After they were released from federal prison and put on probation, SA (b)(6) allegedly harassed them and tried to find any basis to arrest them again. Ms. (b)(6) requests that DHS look into this matter before ICE deports Mr. (b)(6).

In addition, Ms. (b)(6) alleges that there are deficient conditions of detention at "Baker County Jail" [Baker County Detention Center (BCDC)] in Macclenny, Florida, where Mr. (b)(6) was detained in ICE custody. Ms. (b)(6) states that detainees have no windows at the facility and have no access to outdoor recreation. She states that they cannot have contact with visitors, and, rather, must speak with visitors from their housing units using "telephone monitors." (Note: Ms. (b)(6) does not specify who reported those conditions of detention to her, or when the allegations were made. EARM records show that Mr. (b)(6) was detained at BCDC from August 25, 2010, to September 17, 2010, and was then transferred to Wakulla County Jail in Crawfordville, Florida, where he is presently detained. At the time she wrote her letter to Secretary Napolitano, Ms. (b)(6) evidently did not know that Mr. (b)(6) had been transferred from BCDC to another facility. In her letter, Ms. (b)(6) requests that Mr. (b)(6) be released from BCDC, claiming there is no basis for holding him in detention.)

As an enclosure, Ms. (b)(6) provides a copy of a September 28, 2009 letter from Ms. (b)(6) the U.S. citizen spouse of Mr. (b)(6). Ms. (b)(6) letter is addressed to "TO WHOM IT MAY CONCERN." (Neither Ms. (b)(6) nor Ms. (b)(6) correspondence indicates to whom the letter was previously sent, if anyone). In her letter, Ms. (b)(6) focuses on an October 2007 ICE interview of her and Mr. (b)(6). She states that ICE personnel asked her and Mr. (b)(6) inappropriate questions, including sexually explicit questions about their married life. She alleges that the interviewers, whom she did not name in her letter, allegedly asked her why she married a Muslim (Ms. (b)(6) identifies herself as Christian) and asked if she knew that Muslims were terrorists. They then allegedly handcuffed her, and told her that they had arrested her husband, but would not tell her about the "charges". The ICE personnel allegedly did not allow her to use a phone when they removed her from the building. Additionally, Ms. (b)(6) claims that SA (b)(6),(b)(7)(C) and others went into her house without warning and interrogated her, implying that she was telling them lies. She claims that ICE has also visited her at her job, and approached family members and friends,



attacking the character of her and her husband without basis. (Ms. (b)(6) letter does not provide the dates of those alleged actions.)

(b)(5),(b)(6),(b)(7)(C)

Thank You,

(b)(6)

Review and Compliance Division

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
(202) 357-(b)(6) v)  
(202) 401-4708(F)

## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0007 11-01-ICE-0005

(b)(6)

| Data Object  | Date             | Event  | Field                  | New Value                                                                                                                                                                                                             | Tracking Id | User   | Reason      |
|--------------|------------------|--------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------------|
| DhsComplaint | 2010-10-20 16:06 | Create | Component Referenced   | ICE                                                                                                                                                                                                                   | 6741        | (b)(6) | User Change |
| DhsComplaint | 2010-10-20 16:06 | Create | Summary                | On October 4, 2010, CRCL received from DHS Executive Secretariat (ES) a September 21, 2010 letter to DHS Secretary Janet Napolitano from Ms. (b)(6) writing with regard to her godson, Mr. (b)(6)<br>Workflow No. 883 | 6741        |        | User Change |
| DhsComplaint | 2010-10-20 16:06 | Create | Allegation             | (CR/CL) Civil Rights/Civil Liberty                                                                                                                                                                                    | 6741        |        | User Change |
| DhsComplaint | 2010-10-20 16:06 | Create | Days to Process        | 19                                                                                                                                                                                                                    | 6741        |        | User Change |
| DhsComplaint | 2010-10-20 16:06 | Create | Date to CRCL           | 10/01/2010                                                                                                                                                                                                            | 6741        |        | User Change |
| DhsComplaint | 2010-10-20 16:06 | Create | Date to DHS            | 10/01/2010                                                                                                                                                                                                            | 6741        |        | User Change |
| DhsComplaint | 2010-10-20 16:06 | Create | Date on Correspondence | 10/01/2010                                                                                                                                                                                                            | 6741        |        | User Change |
| DhsComplaint | 2010-10-20 16:06 | Create | Sender Type            | Individual                                                                                                                                                                                                            | 6741        |        | User Change |
| DhsComplaint | 2010-10-20 16:06 | Create | Method of Receipt      | Email                                                                                                                                                                                                                 | 6741        |        | User Change |
| DhsComplaint | 2010-10-20 16:06 | Create | Entry Date             | 10/20/2010                                                                                                                                                                                                            | 6741        |        | User Change |
| DhsComplaint | 2012-07-17 14:55 | Update | Days to Process        | 655                                                                                                                                                                                                                   | 6741        |        | User Change |
| DhsComplaint | 2012-07-17 14:55 | Update | (b)(5)                 | (b)(5)                                                                                                                                                                                                                | 6741        |        | User Change |
| DhsComplaint | 2012-07-11 16:43 | Update | Days to Process        | 649                                                                                                                                                                                                                   | 6741        |        | User Change |
|              |                  |        |                        | On October 4, 2010, CRCL received from DHS Executive Secretariat (ES) a September 21, 2010 letter to DHS                                                                                                              |             |        |             |

DHS-004-0000146

|                    |                  |                             |                                                                                                                                                                                                                                              |        |             |
|--------------------|------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------------|
| DhsComplaint       | 2012-07-11 16:43 | Update Summary              | Secretary Janet Napolitano from Ms. (b)(6) writing with regard to her godson, Mr. (b)(6)<br>Workflow No. 883                                                                                                                                 | 6741   | User Change |
| DhsComplaintAction | 2013-03-15 12:35 | Create Action Date          | 03/15/2013                                                                                                                                                                                                                                   | 109717 | User Change |
| DhsComplaintAction | 2013-03-15 12:35 | Create Reporting Summary    | On October 4, 2010, CRCL received from DHS Executive Secretariat a September 21, 2010, letter to DHS Secretary Janet Napolitano from Ms. (b)(6) alleging that her godson, (b)(6) a U.S. Immigration and Customs Enforcement (ICE) detainee a | 109717 | User Change |
| DhsComplaintAction | 2013-03-15 12:35 | Create Document             | 11-01-ICE-0005 Close Memo No Recs final 3-15-13.pdf                                                                                                                                                                                          | 109717 | User Change |
| DhsComplaintAction | 2013-03-15 12:35 | Create Action               | Closed - Short Form/No Further Action                                                                                                                                                                                                        | 109717 | User Change |
| DhsComplaintAction | 2013-03-15 12:35 | Create Internal Summary     | On October 4, 2010, CRCL received from DHS Executive Secretariat a September 21, 2010, letter to DHS Secretary Janet Napolitano from Ms. (b)(6) alleging that her godson, (b)(6) a U.S. Immigration and Customs Enforcement (ICE) detainee a | 109717 | User Change |
| DhsComplaintAction | 2013-03-15 12:27 | Update Secondary Assignment | (b)(6)                                                                                                                                                                                                                                       | 102924 | User Change |
| DhsComplaintAction | 2011-02-03 12:57 | Create Action Date          | 02/03/2011                                                                                                                                                                                                                                   | 103334 | User Change |
| DhsComplaintAction | 2011-02-03 12:57 | Create Action               | Short Form                                                                                                                                                                                                                                   | 103334 | User Change |
| DhsComplaintAction | 2010-12-06 14:27 | Create Action               | Back from Officer                                                                                                                                                                                                                            | 102924 | User Change |
| DhsComplaintAction | 2010-12-06 14:27 | Create Comments             | (b)(5)                                                                                                                                                                                                                                       | 102924 | User Change |
| DhsComplaintAction | 2010-12-06 14:27 | Create Primary Assignment   | (b)(6)                                                                                                                                                                                                                                       | 102924 | User Change |

|                      |                  |        |                  |                                    |        |        |             |
|----------------------|------------------|--------|------------------|------------------------------------|--------|--------|-------------|
| DhsComplaintAction   | 2010-12-06 14:27 | Create | Action Date      | 12/06/2010                         | 102924 | (b)(6) | User Change |
| DhsComplaintAction   | 2010-12-06 14:27 | Create | Action           | Recommendation Review              | 102923 |        | User Change |
| DhsComplaintAction   | 2010-12-06 14:27 | Create | Comments         | (b)(5),(b)(6)                      | 102923 |        | User Change |
| DhsComplaintAction   | 2010-12-06 14:27 | Create | Action Date      | 12/06/2010                         | 102923 |        | User Change |
| DhsComplaintAction   | 2010-11-01 16:56 | Create | Action Date      | 11/01/2010                         | 102734 |        | User Change |
| DhsComplaintAction   | 2010-11-01 16:56 | Create | Action           | Awaiting Recommendation            | 102734 |        | User Change |
| DhsComplaintAction   | 2010-11-01 16:55 | Create | Action Date      | 11/01/2010                         | 102733 |        | User Change |
| DhsComplaintAction   | 2010-11-01 16:55 | Create | Action           | IG Declines/Back from IG           | 102733 |        | User Change |
| DhsComplaintAction   | 2010-10-21 11:38 | Create | Action Date      | 10/21/2010                         | 102665 |        | User Change |
| DhsComplaintAction   | 2010-10-21 11:38 | Create | Action           | Open a Complaint                   | 102665 |        | User Change |
| DhsComplaintAction   | 2010-10-21 11:47 | Create | Action Date      | 10/21/2010                         | 102666 |        | User Change |
| DhsComplaintAction   | 2010-10-21 11:47 | Create | Action           | Sent to IG                         | 102666 |        | User Change |
| DhsComplaintDocument | 2010-10-21 11:41 | Create | Document Type    | Incoming Letter                    | 81496  |        | User Change |
| DhsComplaintDocument | 2010-10-21 11:41 | Create | Document 1       | Incoming Complaint- (b)(6) pdf     | 81496  |        | User Change |
| DhsComplaintDocument | 2010-10-21 11:41 | Create | Dateentered      | 10/21/2010                         | 81496  |        | User Change |
| DhsComplaintDocument | 2010-10-21 11:41 | Create | Foreign Language | No                                 | 81496  |        | User Change |
| DhsComplaintDocument | 2010-11-01 16:54 | Create | Document 1       | Acknowledgement Letter (b)(6) docx | 81547  |        | User Change |
| DhsComplaintDocument | 2010-11-01 16:54 | Create | Dateentered      | 11/01/2010                         | 81547  |        | User Change |
| DhsComplaintDocument | 2010-11-01 16:54 | Create | Foreign Language | No                                 | 81547  |        | User Change |
| DhsComplaintDocument | 2010-11-01 16:54 | Create | Document Type    | Draft Response                     | 81547  |        | User Change |
|                      | 2010-            |        |                  | RE Complaint No. 11-               |        |        | User        |

|                      |                         |        |                      |                                                            |       |        |                |
|----------------------|-------------------------|--------|----------------------|------------------------------------------------------------|-------|--------|----------------|
| DhsComplaintDocument | 11-01<br>16:21          | Create | Document 1           | 10-ICE-0005 From<br>IG.htm                                 | 81546 | (b)(6) | Change         |
| DhsComplaintDocument | 2010-<br>11-01<br>16:21 | Create | Dateentered          | 11/01/2010                                                 | 81546 |        | User<br>Change |
| DhsComplaintDocument | 2010-<br>11-01<br>16:21 | Create | Foreign<br>Language  | No                                                         | 81546 |        | User<br>Change |
| DhsComplaintDocument | 2010-<br>11-01<br>16:21 | Create | Document Type        | Draft Response                                             | 81546 |        | User<br>Change |
| DhsComplaintDocument | 2010-<br>11-30<br>11:51 | Create | Document 1           | (b)(6)<br>docx                                             | 81635 |        | User<br>Change |
| DhsComplaintDocument | 2010-<br>11-30<br>11:51 | Create | Comments             | Updated Complaint<br>Summary.                              | 81635 |        | User<br>Change |
| DhsComplaintDocument | 2010-<br>11-30<br>11:51 | Create | Dateentered          | 11/30/2010                                                 | 81635 |        | User<br>Change |
| DhsComplaintDocument | 2010-<br>11-30<br>11:51 | Create | Foreign<br>Language  | No                                                         | 81635 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>06-13<br>15:48 | Create | Foreign<br>Language  | No                                                         | 86914 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>06-13<br>15:48 | Create | Comments             | ICE ROI and Exhibits                                       | 86914 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>06-13<br>15:48 | Create | Dateentered          | 06/13/2012                                                 | 86914 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>06-13<br>15:48 | Create | Document 1           | 201100134 AIR.out                                          | 86914 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>06-13<br>15:48 | Create | Document Type        | ROI                                                        | 86914 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>06-13<br>15:48 | Create | Document 2           | 201100134<br>Exhibits.pdf                                  | 86914 |        | User<br>Change |
| DhsComplaintDocument | 2013-<br>03-15<br>12:23 | Create | Document 1           | 11-01-ICE-0005 Close<br>Memo No Recs final 3-<br>15-13.pdf | 89934 |        | User<br>Change |
| DhsComplaintDocument | 2013-<br>03-15<br>12:23 | Create | Comments             | Close Memo to File no<br>Recs.                             | 89934 |        | User<br>Change |
| DhsComplaintDocument | 2013-<br>03-15<br>12:23 | Create | Document Type        | Final Report                                               | 89934 |        | User<br>Change |
| DhsComplaintDocument | 2013-<br>03-15<br>12:23 | Create | Dateentered          | 03/15/2013                                                 | 89934 |        | User<br>Change |
| DhsComplaintDocument | 2013-<br>03-15<br>12:23 | Create | Foreign<br>Language  | No                                                         | 89934 |        | User<br>Change |
| DhsComplaintIssue    | 2012-<br>07-17<br>14:56 | Update | Incident<br>Location | Residence                                                  | 12323 |        | User<br>Change |
| DhsComplaintIssue    | 2012-<br>07-17<br>14:56 | Update | State                | Florida - FL                                               | 12323 |        | User<br>Change |

|                             |                  |        |                        |                                   |       |        |             |
|-----------------------------|------------------|--------|------------------------|-----------------------------------|-------|--------|-------------|
| DhsComplaintIssue           | 2012-07-17 14:56 | Update | Incident Location Type | Residence                         | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2012-07-17 14:56 | Update | City                   | Jacksonville                      | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-09-23 10:29 | Update | (b)(5)                 | (b)(5)                            | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-09-23 10:29 | Update | Religion               | Sikhism                           | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-09-23 10:29 | Update | Situation              | DHS law enforcement activity      | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-11-09 16:40 | Update | Primary Issue          | Yes                               | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:11 | Update | State                  |                                   | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:11 | Update | Incident Location      |                                   | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:11 | Update | Incident Location Type | Detention SPC                     | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:11 | Update | City                   |                                   | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:10 | Create | Religion               | Other, please specify in comments | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:10 | Create | Incident Date          | 10/04/2010                        | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:10 | Create | Ongoing                | No                                | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:10 | Create | Redirect to Subject    | No                                | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:10 | Create | State                  | Florida - FL                      | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:10 | Create | Incident Location      | Baker County Detention            | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:10 | Create | Primary Issue          | No                                | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:10 | Create | Incident Location Type | Detention IGSA                    | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:10 | Create | City                   | Maccleddy                         | 12323 | (b)(6) | User Change |
| DhsComplaintIssue           | 2010-10-20 16:10 | Create | (b)(5)                 | (b)(5)                            | 12323 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2010-10-21       | Create | Contact Type           | On Behalf Of                      | 19406 | (b)(6) | User Change |

|                             |                  |        |                |              |       |        |             |
|-----------------------------|------------------|--------|----------------|--------------|-------|--------|-------------|
|                             | 11:43            |        |                |              |       | (b)(6) |             |
| DhsComplaintPartiesInvolved | 2010-10-21 11:43 | Create | First Name     | (b)(6)       | 19406 |        | User Change |
| DhsComplaintPartiesInvolved | 2010-10-21 11:43 | Create | Last Name      | (b)(6)       | 19406 |        | User Change |
| DhsComplaintPartiesInvolved | 2010-10-20 16:14 | Create | Contact Type   | On Behalf Of | 19405 |        | User Change |
| DhsComplaintPartiesInvolved | 2010-10-20 16:14 | Create | First Name     | (b)(6)       | 19405 |        | User Change |
| DhsComplaintPartiesInvolved | 2010-10-20 16:14 | Create | Last Name      | (b)(6)       | 19405 |        | User Change |
| DhsComplaintPartiesInvolved | 2010-10-20 16:13 | Create | City           | Jacksonville | 19404 |        | User Change |
| DhsComplaintPartiesInvolved | 2010-10-20 16:13 | Create | Address Line 1 | (b)(6)       | 19404 |        | User Change |
| DhsComplaintPartiesInvolved | 2010-10-20 16:13 | Create | Contact Type   | Sender       | 19404 |        | User Change |
| DhsComplaintPartiesInvolved | 2010-10-20 16:13 | Create | Phone          | 904 (b)(6)   | 19404 |        | User Change |
| DhsComplaintPartiesInvolved | 2010-10-20 16:13 | Create | First Name     | (b)(6)       | 19404 |        | User Change |
| DhsComplaintPartiesInvolved | 2010-10-20 16:13 | Create | State          | Florida - FL | 19404 |        | User Change |
| DhsComplaintPartiesInvolved | 2010-10-20 16:13 | Create | Last Name      | (b)(6)       | 19404 |        | User Change |

(b)(6)

**From:** (b)(6)@dhs.gov]  
**Sent:** Thursday, January 20, 2011 9:22 AM  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-03-ICE-0046

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, January 18, 2011 6:39 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-03-ICE-0046

(b)(6)

Summary of new complaint for your review:

On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6) on behalf of Mr. (b)(6). Mr. (b)(6) initially filed a Statement Contesting Intent to File Reinstatement Order with DHS-New Orleans District Office, but Mr. (b)(6) believes that ICE officers have committed violations of the Fourth Amendment and other civil rights violations in the case of approximately nineteen others arrested during a raid on the Clairmont Apartment Complex in Nashville, Tennessee on October 20, 2010.

Mr. (b)(6) alleges that ICE violated his due process rights in his detention, arrest and interrogation. He alleges that ICE officers engaged in coercive questioning, detention without reasonable suspicion, and arrest without probable cause, and that ICE or a DSCO violated Mr. (b)(6) right to counsel during an examination.

He alleges violations of Fourth Amendment rights and excessive use of force by ICE agents during a raid at an apartment complex in Nashville, TN on October 20, 2010 that led to his arrest and detention. (He was detained at ICE Oakdale and Jena Detention Center.) The correspondence indicates that Mr. (b)(6) provided ICE New Orleans Field Office with his enclosed Statement detailing these allegations. In that Statement, Mr. (b)(6) contests DHS' decision to reinstate an Order of Removal originally imposed on him by an Immigration Judge in 2008.



Thank you.

---

(b)(6)

Program Analyst

Compliance Branch

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(202) 357-(b)(6) phone)

(b)(6)@dhs.gov

IMMIGRATION LAW OFFICES OF (b)(6)

ATTORNEYS AT LAW

(b)(6)

Nashville, TN 37217

(615) (b)(6) Fax (615) 321-5230

E-Mail: (b)(5)

December 2, 2010

Office for Civil Rights & Civil Liberties

DEC 14 2010

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Review and Compliance  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, DC 20528

RE:

(b)(6)

Dear Sir or Madam:

On this date, I am transmitting to you a copy of the Statement Contesting Intent to File Reinstatement Order including all Exhibits attached thereto in the above-referenced matter. This was originally sent to Department of Homeland Security — New Orleans District Office.

The reason for this transmittal is because I believe very strongly that ICE officers have committed egregious violations of the Fourth Amendment and other civil rights violations in this case in the cases of approximately nineteen others arrested during a raid on the Clairmont (b)(6) (b)(6) Nashville, TN on October 20, 2010. The events which transpired during the raid and which form the basis of my allegations are detailed in the exhibits in the enclosed Statement.

Thank you for your attention to this matter.

With best regards,

(b)(6)

Enclosure as Noted

Cc:

Margo Schlanger

DHS Officer for Civil Rights and Civil Liberties

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

Building 410, Mail Stop #0190

Washington, D.C. 20528

**BEFORE THE SECRETARY OF HOMELAND SECURITY  
NEW ORLEANS DISTRICT OFFICE**

**In Re:**

(b)(6)

**Respondent**

**No.**

(b)(6)

**STATEMENT CONTESTING INTENT TO FILE REINSTATEMENT ORDER**

Comes now the Respondent, (b)(6) by and through his undersigned attorney who is representing Respondent on a pro bono basis, hereby files this Statement contesting the determination by the Secretary of Homeland Security to reinstate an Order of Removal allegedly entered against Respondent by an Immigration Judge in the San Francisco Immigration Court on June 30, 2008.

This Statement, which incorporates the Respondent's own Declaration, attached hereto as Exhibit A, also incorporates other exhibits listed on the Table of Exhibits and attached hereto.

This Motion is filed pursuant to the authority of 8 CFR § 241.8(b). Although it appears that Respondent signed Form I-871, Acknowledgement and Response and checked the box which said, "I do not wish to make a statement contesting this determination", he did so under coercion and confusion following an illegal forcible entry into his apartment and without benefit of legal counsel. Legal counsel has been prevented from having access to Respondent ever since the apartment invasion on October 20, 2010 until a phone interview on November 15 and 16, 2010. The Acknowledgement and Response box was checked only hours after the Claimant (b)(6) which traumatized Respondent so that he did not have full command of his faculties and could not comprehend the import or significance of what he was signing. Respondent through counsel hereby revokes the Response signed on October 20, 2010

and now states his desire to make a statement, including his Declaration and all other Exhibits attached hereto, contesting the determination made on that date.

### Facts

Respondent resided at the Clairmont (b)(6) Exhibit B, ¶4). He was inside his residence at Clairmont (b)(6) when ICE agents broke through the doors and windows of the apartment (Exhibit A, ¶3) at the time of the raid conducted by ICE on October 20, 2010 (Exhibit A, ¶ 2) at approximately 6:00-6:30 PM (Exhibit C, ¶ 5). A total of six (6) men were in (b)(6) at the time of the raid (Exhibit B, ¶ 3). All windows and doors were locked (Exhibit B, ¶ 6).

The raid at (b)(6) started with loud banging at the door and yelling, "Open up! Police!" (Exhibit A, ¶ 7 and Exhibit B, ¶ 7). No person inside the apartment opened any door or any window (Exhibit A, ¶ 6 and Exhibit B, ¶ 6). No person inside the apartment gave consent for any person to enter into the apartment, either from the inside hallway or from the outside (Exhibit A, ¶ 6). Police broke through the Apartment (b)(6) wooden/fiberglass door accessing the interior hallway of the apartment complex (Exhibit C, ¶ 6) and broke through and pried open one of the apartment windows leading from the outside (Exhibit A, ¶ 5 and Exhibit C, ¶ 14). See pictures of the damage to the door and window at Exhibit H.

At least seven (7) ICE agents broke into the apartment (Exhibit B, ¶ 9). Even though none of the (b)(6) occupants had guns (Exhibit C, ¶ 18), several ICE agents had guns drawn (Exhibit A, ¶ 8). Many agents wore vests that said "POLICE-ICE" (Exhibit A, ¶ 10; Exhibit B, ¶ 9; see Exhibit F for "Demonstrative Examples of "ICE POLICE" Clothing;), and some screamed "Don't move! Get down on the ground!" (Exhibit A, ¶ 8).

Respondent was in his bedroom at the time of the ICE break-in and some ICE agents broke through his bedroom door while saying, "Open the door, bitches!" (Exhibit A, ¶ 9). The entire encounter

was laced by extremely ugly and offensive profanities, some racial in nature (see, e.g., Exhibit A, ¶ 11, 12, 14; Exhibit B, ¶¶ 12, 15, 16, 18, 23, 30). No arrest warrants or search warrants were produced even though several residents requested to see them (Exhibit B, ¶ 19-20); the only response was a profane reply which necessarily implied that ICE agents did not need warrants to break into a residence and arrest the occupants (Exhibit A, ¶ 13; Exhibit C, ¶¶ 18-19).

ICE handcuffed all occupants (Exhibit A, ¶ 17; Exhibit B, ¶ 26). When Respondent was handcuffed, the ICE officer made them fit so tightly that Respondent was in pain, but when the ICE officer was asked to provide some relief, Respondent was ridiculed and cursed (Exhibit A, ¶ 18; Exhibit B, ¶¶ 28-30).

After removed from the premises, Respondent and (b)(6) were put in the same vehicle (Exhibit B, ¶ 27) and taken first to the ICE office in MetroCenter in Nashville (Exhibit B, ¶ 31), where they were fingerprinted and photographed (Exhibit B, ¶ 31) and “made” to “sign papers” (Exhibit B, ¶ 33). It was in this atmosphere of coercion and trauma that Respondent signed the I-871, dated 10-20-2010 (the night of the raid), indicating: “I do not wish to make a statement contesting this determination.” All F-106 occupants were later taken to “a jail in downtown Nashville” and “checked all night, given injections, and processed with paperwork” (Exhibit B, ¶ 34).

The next day, an African-American employee at the Metro Nashville Jail put an ICE agent on notice that attorneys were trying to contact the (b)(6) occupants and “get them out”, but the ICE agent ignored her. They were removed from the jail moments later and returned to the ICE office in MetroCenter (Exhibit B, ¶ 35). On Friday morning, October 22, 2010, all Clairmont detainees were transported from Nashville to Ft. Payne, Alabama, despite ICE’s knowledge that attorneys desired to confer with them and represent them (Exhibit B, ¶ 36; Exhibit R).

On Saturday, October 23, 2010, a number of attorneys (including (b)(6) of the ACLU of Tennessee) and translators traveled to Ft. Payne, Alabama to interview all the Clairmont detainees known to have been arrested at that time. There were six detainees, including Respondent, who could not be interviewed on Saturday, October 23 because "they could not be located" according to officials at the Ft. Payne Detention Center. Approximately 14 of the 20 known Clairmont detainees were interviewed and signed G-28s and FOIA Requests, but the Respondent was not one of the 14. See Exhibit L.

Clairmont detainees were then transported to Jena Detention Center in LaSalle, Louisiana. The undersigned attorney asked for NTAs on all detainees, and my office received on November 4, 2010 what ICE claims is an NTA on Respondent (see Exhibit I)<sup>1</sup> bearing the Case No. A089-110-675. At that time my office realized that this NTA had an "old A number" and was dated 5/4/2008; consequently, my office ran a check on the status of this case in the Immigration Court Database System and discovered that an Order of Removal had been issued with that Case Number.

My office then called Jena and Oakdale and requested (a) a copy of the order of removal in Case No. (b)(6) (b) a copy of the I-871 with that Case Number, and (c) a phone consultation with Respondent. The phone consultation did not take place until Monday, November 15, 2010, and the Order of Removal and Reinstatement Order were not faxed to our office until Tuesday, November 16, 2010. Since November 4, 2010, both ICE Oakdale and the Jena Facility in LaSalle, Louisiana have constructed an obstacle course designed to prevent access to Respondent by the undersigned attorney and others acting at his behest and refused to furnish a copy of necessary documentation to represent Respondent. See Exhibits M, N, O, P and Q. It is interesting to note that the date DHS/ICE received the Order of Removal is 10/21/2010 while the Reinstatement Order is dated 10/20/2010, making this process illegal.

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<sup>1</sup> Respondent is not conceding for purposes of this Statement that he is the person named in the Notice to Appear. It is not uncommon for different individuals to have the same name. For example, this office has recently learned that two persons with the same name but different A numbers were arrested during the Clairmont Raid. (b)(6)  
(b)(6)

### **Grounds for Contesting the Reinstatement Determination**

1. The Secretary, through Immigration and Customs Enforcement (ICE) Agents, has violated due process to permit evidence obtained as the result of coercion.
2. The Secretary, through her ICE agents, violated its own regulations, including but not limited to 8 CFR § 241.8, and other guidelines that are intended for the benefit of the Respondent and Respondent suffered prejudice as a result of these violations.
3. The Secretary, through her ICE agents, committed egregious violations of the Fourth Amendment to the U.S. Constitution, and any evidence obtained as the result of egregious Fourth Amendment violations cannot be used in a reinstatement proceeding.
4. The manner in which the Secretary, through her ICE agents, conducted the investigation at the Claimant (b)(6) calls into question the integrity of the action of the Department of Homeland Security, which implicates, inter alia, Accardi v. Shaughnessy, 347 U.S. 260 (1954).
5. The Secretary, through ICE Agents, has violated due process by seriously interfering with attorney-client communications and relations.

### **Legal Discussion**

(1) All evidence in the possession of DHS / ICE which ties Respondent in custody to the individual who was subject to the Order of Removal by the San Francisco Immigration Judge was obtained through coercion that started with the raid and illegal break-in by ICE agents at the Claimant (b)(6) on October 20, 2010 at approximately 6:00 PM ("Clairmont Raid"), and continued through the night. This includes the fingerprints that were taken on October 20, 2010 as well as any confessions or statements made by or taken from Respondent by DHS / ICE. This in violation of due process as guaranteed by the U.S. Constitution.

It is not "fundamentally fair" to use evidence that deprives Respondent of due process. *Baliza v.*



*INS*, 709 F.2d 1231 (9<sup>th</sup> Cir. 1983); *Tashnizi v. INS*, 585 F.2d 781 (5<sup>th</sup> Cir. 1978); *Matter of Toro*, 17 I&N Dec. 340 (BIA 1980); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503 (BIA 1980); *Matter of Lam*, 14 I&N Dec. 168 (BIA 1972).

The Fifth Amendment's Due Process Clause prohibits, inter-alia, coercive questioning. See *Cooper v. Dupnik*, 963 F.2d 1220, 1237 (9<sup>th</sup> Cir. 1992). At least one circuit court has recognized that Fifth Amendment violations can warrant suppression in the immigration context. *Navia-Duran v. INS*, 568 F.2d 803 (1<sup>st</sup> Cir. 1977); *Kandamar v. Gonzalez*, 464 F.3d 65 at 71 (1<sup>st</sup> Cir. 2006).

It is well-settled that the Fifth Amendment entitles aliens within the United States to due process of law. *Reno v. Flores*, 507 U.S. 292 (1993); *Plyler v. Doe*, 457 U.S. 202, 210 (1982) (stating that "even aliens whose presence in this country is unlawful have long been recognized as 'persons' guaranteed due process of law by the Fifth and Fourteenth Amendments"); *Zadvydas v. Davis*, 533 U.S. 678,693 (2001) (recognizing that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent"); see also *Felzcerek v. INS*, 75 F.3d 112, 116 (2<sup>nd</sup> Cir. 1996); *Matter of Toro*, 17 I&N Dec. 340, 343 (BIA 1980).

If the manner in which evidence is seized is so egregious that its probative value is undermined, or reliance on it would transgress notions of fundamental fairness, the use of that evidence would violate the Fifth Amendment requirement of due process. See *INS v. Lopez-Mendoza*, 468 U.S. 1032 at 1050-51 (1984); *Matter of Velasquez*, 19 I&N Dec. 377 (BIA 1986); *Matter of Toro*, 17 I&N Dec. 340; *Matter of Sandoval*, 17 I&N Dec. 70 (BIA 1979). Therefore, evidence obtained pursuant to an egregious Fourth Amendment violation can be suppressed under the Fifth Amendment. *Matter of Toro*, 17 I&N Dec. at 343 (egregious Fourth Amendment violation may render evidence inadmissible under the due process clause).

The applicability of the exclusionary rule is not limited to criminal proceedings and its use in

civil proceedings is well-established. The reasoning is well-stated in *U.S. v. Blank*:

Where as here there is a correlative civil action open to the Government which imposes a penalty . . . commensurate with the criminal sanctions to which an accused, victimized by an illegal search, would be exposed, then we see no distinguishable difference between the two forms of punishment which excuses the Government from complying with Constitutional mandates when prosecuting their action in a civil forum.

261 F. Supp 180, 182 (N.D. Ohio 1966). There is nothing about a removal proceeding which makes the application of the rule less compelling or less effective:

The exclusionary rule . . . links the power to search and seize with the use of incriminatory evidence. Its purpose is to insure that abuse of one takes the profit out of the acquisition of the other. It prevents the violation by penalizing the violator. Aborting the consequences of the violation is only an incidental result, or better stated, a means to the primary end of curbing Fourth amendment violations.

. . . .

So long as an abuse of a power to invade privacy and arrest and search, might be an integral part of the gathering of incriminatory evidence for use in either a civil or criminal proceeding, as is possible in deportation cases, it would seem to make little difference, so far as the violation is concerned, if the end result is the use of the evidence in a civil, or criminal, proceeding, or both. If anything, looking to the need for the rule, it would seem to follow that the less significant the objective sought to be obtained by the breach of the constitutional imperative, the more reprehensible and needful of restraint or deterrence, is the violation.

*Matter of Sandoval*, 17 I&N 170, 186 (Applemen, concurring in part and dissenting in part).

The concept of fundamental fairness in immigration proceedings has been long required in due process. *Trias Hernandez v. INS*, 528 F.2d 366 (9<sup>th</sup> Cir. 1975); *Marlowe v. INS*, 457 F.2d 1314 (9<sup>th</sup> Cir. 1972); *Matter of Toro*, 17 I&N Dec. 340 (BIA 1940).

(2) The conduct of ICE agents during the Clairmont Raid violated all regulations and guidelines intended to govern and regulate the actions of ICE agents as they encounter persons in residences. They also violated the provision of 8 CFR § 241.8. This regulation requires DHS/ICE to determine (a) whether the alien has been subject to a prior order of removal, (b) whether the alien in custody is in fact

the alien who was previously removed through a verification process that compares the fingerprints of the previously-removed alien with the subject alien. Without that fingerprint verification, the alien cannot be removed. Respondent maintains that his fingerprints were illegally obtained on October 20, 2010 and cannot be properly used to satisfy the requirements of 8 CFR § 241.8.

It is axiomatic to the rule of law that an agency must adhere to its own regulations. Even assuming arguendo that DHS/ICE denies suppression of evidence, reinstatement proceedings must still be terminated when ICE violates regulations or sub-regulatory rules that affect the fundamental rights of a Respondent. *Singh v. U.S. Department of Justice*, 461 F.3d 290, 296-97 (2<sup>nd</sup> Cir. 2006). ICE agents or their delegated agents in DCSO violated multiple regulations and sub-regulatory rules during the course of the arrest and interrogation of Respondent. These regulations and sub-regulatory rules were promulgated to protect Respondent's Fourth and Fifth Amendment rights, which are clearly "fundamental". Accordingly, this Court must terminate these proceedings, or at the very least, conclude that Respondent has established a prima facie case of agency regulatory violations, shifting the burden to ICE to justify its conduct at an evidentiary hearing. Matter of Barcenas, 19 I&N Dec. 609, 611 (BIA 1988).

ICE violated four (4) regulations during the course of Respondent's detention, arrest, and interrogation. They are outlined below.

**A. ICE violated the regulation barring coercive questioning. 8 CFR § 287.8(c)(viii).**

**B. ICE violated the regulation that there be no detention without a reasonable suspicion. 8 CFR § 287.8(b)(2).**

**C. ICE violated the regulation that there be no arrest without probable cause. 8 CFR § 287.8(c)(2)(i).**

**D. ICE or its delegated agent in the DCSO violated the regulation that gave Respondent right to counsel at examination. 8 CFR § 292.5(b).**

(3) Egregious violations of the Fourth Amendment to the U.S. Constitution were committed by DHS/ICE on October 20, 2010. Respondent contends that any evidence obtained as a result of egregious Fourth Amendment violations cannot be used in a reinstatement proceeding.

It is true that in INS v. Lopez-Mendoza, 468 U.S. 1032 (1984), the U.S. Supreme Court held that the exclusionary rule is generally not applicable to immigration proceedings. Specifically, the Court held: "At issue here is the exclusion of credible evidence gathered in connection with peaceful arrests by INS officers. We hold that evidence derived from such arrests need not be suppressed in an INS civil deportation hearing." 468 U.S. at 1051. The Court did allow for the possibility for suppression for **"egregious" Fourth Amendment violations** that rise to the level of due process violations under the Fifth Amendment. Further, the Court stated that "conclusions concerning the exclusionary rule's value might change, if there developed good reason to believe that Fourth Amendment violations by [enforcement] officers were widespread." 468 U.S. at 1050; see also Almeida-Amaral v. Gonzales, 461 F.3d 231 at 234 (2<sup>nd</sup> Cir. 2006). While Lopez-Mendoza makes it clear that suppression standards under immigration and criminal law are distinct, Lopez-Mendoza nowhere states or implies that suppression is not permissible in immigration matters.

A detention or seizure without a reasonable suspicion can merit suppression of resulting evidence in removal proceedings. Almeida-Amaral v. Gonzalez, 461 F.3d 231 (2<sup>nd</sup> Cir., 2006). The same thing should be true of reinstatement proceedings.

Further, the BIA has held that any evidence resulting from an egregious arrest would necessarily be excluded by the application of the exclusionary rule. See *Matter of Cervantes Torres*, 21 I & N Dec. 351, 353 (BIA 1996) (citing INS v. Lopez-Mendoza, 468 U.S. 1032 (1984) (exclusionary rule applies in

deportation proceedings involving egregious violations which transgress notions of fundamental fairness); for a discussion of the Board's historical adherence to the exclusionary rule in immigration proceedings, see *Matter of Sandoval*, 17 I&N 170, (Applemen, concurring in part and dissenting in part).

The exclusionary rule applies in this case to require the suppression of all evidence and statements collected from Respondent in this case. In *INS v. Lopez-Mendoza*, 468 US 1032 (1984), the Supreme Court set forth the test for determining whether the exclusionary rule under the US Constitution should be applied in a particular proceeding — the court must weigh “the likely social benefits of excluding unlawfully seized evidence against the likely costs.” At p. 1041.

Courts are required to engage in a multi-factor analysis to decide this issue. A close analysis of the relevant factors demonstrates that the exclusionary rule must be applied in this case. The Supreme Court listed several factors to be considered.

The first factor is the deterrence value of applying the exclusionary rule in a particular case. The prime purpose of the exclusionary one, “if not the sole one, is to deter future unlawful police misconduct”. *U.S. v. Janis*, 428 U.S. 433 at 446 (1976). Deterrence of the pattern of unlawful police conduct is certainly warranted in the case at hand.

The second factor is whether applying the exclusionary rule would have a significant cumulative deterrent effect. Exhibit G shows that the violations complained of herein are frequently repeated and need a significant deterrent effect.

The third factor is whether ICE has its own comprehensive scheme for deterring 4<sup>th</sup> Amendment violations. This is obviously not the case due to the demonstrated widespread repeated occurrence of such violations.

The fourth factor is whether alternative remedies are available to address the institutional

practices of ICE. It is true that Respondent can file a suit in federal court, but if the evidence objected to herein is admitted, Respondent may not be in the United States long enough to pursue an extensive lawsuit. No alternative remedies — such as punishment for offending officers — are available here.

There is a line of Supreme Court cases that holds that a court cannot suppress the identity of the defendant for the purpose of eliminating a court's jurisdiction over the person arrested even where the arrest is illegal. *Frisbie v. Collins*, 342 U.S. 519 at 522 (1952); *Kerr v. People of State of Illinois*, 119 U.S. 436 at 443 (1886); *INS v. Lopez-Mendoza*, 468 U.S. 1032 at 1039 (1984). The circuit courts of appeals have, however, split in their more recent opinions. The Eighth Circuit recognizes a distinction between suppressing evidence of identity, which is suppressible, and a court's authority to retain personal jurisdiction over an individual that the government arrested unlawfully. *U.S. v. Guevara-Martinez*, 262 F.3d 751 at 754 (8th Cir. 2001). The Tenth Circuit followed the Eighth Circuit's analysis in holding that a district court could suppress unlawfully obtained evidence of a person's identity, including a person's name, fingerprints, and A-file. *U.S. v. Olivares-Rangel*, 458 F.3d 1104 at 1112 (10th Cir. 2006). In this case, the arresting agents had randomly stopped a vehicle leaving a trailer park based upon a generalized unreliable tip regarding "illegal aliens" possibly involved in criminal activities who were allegedly living in that trailer park. The defendant was a passenger in the car, and, after the unlawful stop, an agent recognized him as someone whom he had previously arrested and helped to deport. The Fourth Circuit followed the Eighth and Tenth Circuits' view on this issue. *U.S. v. Oscar-Torres*, 507 F.3d 224 (4th Cir. 2007). The Ninth Circuit distinguishes between identity and fingerprints, but there appear to be tensions in its case law on this issue. Compare *U.S. v. Guzman-Bruno*, 27 F.3d 420 at 422 (9th Cir. 1994), as amended, (Sept. 23, 1994) (holding that a defendant cannot suppress evidence of identity in illegal reentry prosecution), *U.S. v. Del Toro Gudino*, 376 F.3d 997 at 1001 (9th Cir. 2004) (same even with egregious Fourth Amendment violation), and *U.S. v. Parga-Rosas*, 238 F.3d 1209 (9th

Cir. 2001), with *U.S. v. Garcia-Beltran*, 389 F.3d 864 at 868 (9th Cir. 2004) (distinguishing cases that involved identity and recognizing difference between fingerprints and identity). The Fifth Circuit holds that a district court cannot suppress identity, an A-file, or fingerprints as the result of an unlawful arrest. *U.S. v. Herrera-Ochoa*, 245 F.3d 495 (5th Cir. 2001); *U.S. v. Roque-Villanueva*, 175 F.3d 345 at 346 (5th Cir. 1999); *U.S. v. Pineda-Chinchilla*, 712 F.2d 942 at 944 (5th Cir. 1983). The First Circuit shares this view. *Navarro-Chelan v. Ashcroft*, 359 F.3d 19 (1st Cir. 2004).

(4) The integrity of DHS is called into question by the conduct of DHS/ICE agents during the Clairmont Raid, and this implicates Accardi v. Shaughnessy, 347 U.S. 260 (1954).

(5) The reinstatement of an alleged prior order of removal in this case constitutes a violation of due process in that Petitioner was (a) prevented on a repeated basis from having access to and consulting with his attorney or related legal representatives prior to the reinstatement; (b) prevented from executing necessary documents to facilitate full representation by his attorney or related legal representatives; (c) not afforded — either himself or through his attorney — the opportunity to review the immigration court file upon which the reinstatement order is based; (d) not afforded — either himself or through his attorney — to respond to the allegations against him before the DHS reinstated the prior order to removal; (e) prevented from arranging for the preparation and placement of documents and entering other information into the administrative record; and (f) not provided adequate and timely notice of DHS's intended action in this case.

Document fully submitted

(b)(6)

Nashville, TN 37212

(615) (b)(6) (O)

(615) (b)(6) (F)

Email: (b)(6)

**BEFORE THE SECRETARY OF HOMELAND SECURITY**  
**NEW ORLEANS DISTRICT OFFICE**

**In Re:**

(b)(6)

**Respondent**

**No. A089-110-675**

**TABLE OF EXHIBITS**

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this Statement Contesting Intent to File Reinstatement Order have been served upon the following persons by placing a true and correct copy of said pleading in Federal Express for overnight delivery, addressed as follows:

Janet Napolitano, Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

(b)(6),(b)(7)(C) District Director  
DHS/ICE 1250 Poydras Suite 325  
New Orleans, LA 70113

(b)(6),(b)(7)(C) Field Office Director  
DHS/ICE 1250 Poydras Suite 325  
New Orleans, LA 70113

ICE Officer in Charge  
Office of Enforcement and Removal Operations  
1010 East Whatley Road  
Oakdale, LA 71463

DATED: 11/17/2010

BY: \_\_\_\_\_

(b)(6)





























































Demonstrative Examples of "POLICE ICE" Clothing

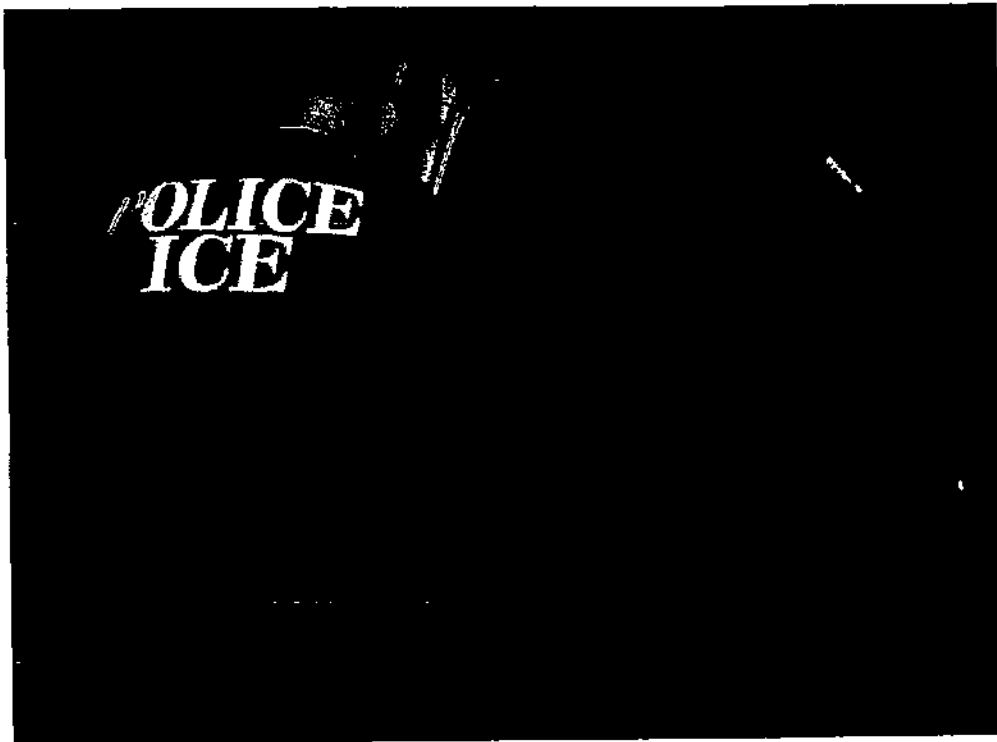


Source: <http://www.thecrimereport.org/wp-content/uploads/2009/10/us-immigration-and-customs-enforcement-arrest1.jpg>

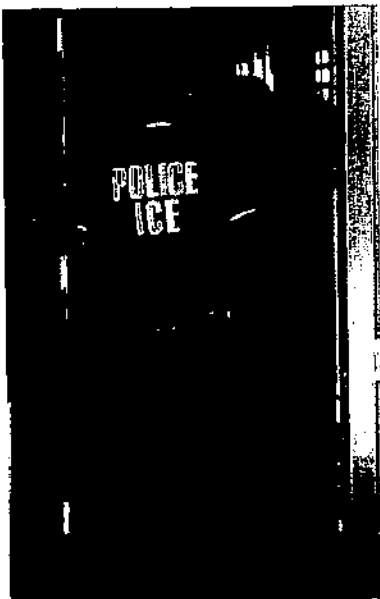


Source: [http://1.bp.blogspot.com/\\_rN-dx9mlxHk/TLNDNPX-wAI/AAAAAAAAALY/g0ODPab-bCY/s1600/police-ICE-2.jpg](http://1.bp.blogspot.com/_rN-dx9mlxHk/TLNDNPX-wAI/AAAAAAAAALY/g0ODPab-bCY/s1600/police-ICE-2.jpg)

Demonstrative Examples of "POLICE ICE" Clothing



Source: [http://blogs.kansascity.com/photos/uncategorized/georgia\\_arrest\\_ice.jpg](http://blogs.kansascity.com/photos/uncategorized/georgia_arrest_ice.jpg)



Source: <http://www.vosizneias.com/wp-content/uploads/2009/07/ice-police-immigration-raids.jpg>

Demonstrative Examples of "POLICE ICE" Clothing



Source: [http://vivirlatino.com/i/2008/01/800px-US\\_Immigration\\_and\\_Customs\\_Enforcement\\_SWAT.jpg](http://vivirlatino.com/i/2008/01/800px-US_Immigration_and_Customs_Enforcement_SWAT.jpg)



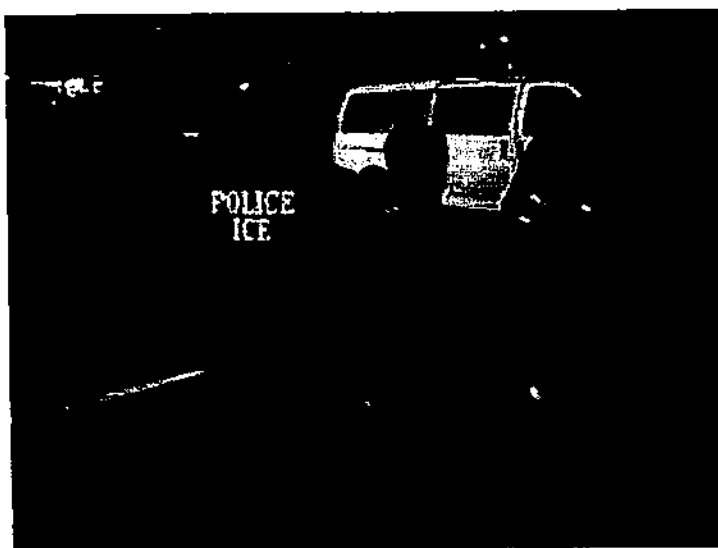
Source: <http://www.piersystem.com/external/content/document/586/25309/1/ICEFTAA2.jpg>



Demonstrative Examples of "POLICE ICE" Clothing



Source: Michelle Waslin, "Ice's Enforcement Priorities and the Factors that Undermine Them," Immigration Policy Center, November 2010, available at [http://www.immigrationpolicy.org/sites/default/files/docs/ICE\\_Enforcement\\_Priorities\\_110910.pdf](http://www.immigrationpolicy.org/sites/default/files/docs/ICE_Enforcement_Priorities_110910.pdf)



Source: [http://images.news14.com/media/2009/2/18/images/police\\_ice1eb2a711-9b2c-4ca0-a7dd-6b92a9a42df6.jpg](http://images.news14.com/media/2009/2/18/images/police_ice1eb2a711-9b2c-4ca0-a7dd-6b92a9a42df6.jpg)

Demonstrative Examples of "POLICE ICE" Clothing



Source: [http://3.bp.blogspot.com/\\_Xn\\_O-mM2sFk/R8XGk0xcuKI/AAAAAAAAABOE/-4cHc48vX30/s400/police\\_ice260.jpg](http://3.bp.blogspot.com/_Xn_O-mM2sFk/R8XGk0xcuKI/AAAAAAAAABOE/-4cHc48vX30/s400/police_ice260.jpg)



Source: [http://2.bp.blogspot.com/\\_Xn\\_O-mM2sFk/R8XF4kxcuJI/AAAAAAAAABN8/5qHEKd4acUk/s400/police\\_ice\\_550.jpg](http://2.bp.blogspot.com/_Xn_O-mM2sFk/R8XF4kxcuJI/AAAAAAAAABN8/5qHEKd4acUk/s400/police_ice_550.jpg)





























































































2303 S MACARTHUR DR  
ALEXANDRIA, LA 71301

Location: ESFV  
Device ID: ESPN-PDS1  
Employee: 179228  
Transaction: 75052324822

PRIORITY OVERNIGHT  
888900033325 0.30 lb (S) 26.91

Scheduled Delivery Date: 11/18/2010

Shipment subtotal: 26.91

Total Due: 26.91

Check: 26.81  
1931

M = Weight entered manually.  
S = Weight read from scale  
I = Insurable item

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2303 S MACARTHUR DR  
Alexandria, LA 71301  
Tel: (318) 443-8977

11/18/2010 9:08:05 PM CST  
Team Member: JILL C.

SALE

Auto-Fed Scan to PDF 12 # 0.88  
2882 Regular Price 0.88

Regular Total 10.88  
Discounts 0.00

Total 10.88

Sub-Total 10.88  
Tax 0.97  
Deposit 0.00

Total 11.85

Check (M) 11.85

Total Tender 11.85  
Change Due 0.00

Total Discounts 0.00



\* 1 5 1 2 0 0 7 8 5 7 \*







**Homeland  
Security**

January 19, 2011

*Via Electronic Mail*

(b)(6)

Nashville, Tennessee 37217

(b)(6)

Re: Complaint No. 11-03-ICE-0046 on behalf of (b)(6)

(b)(6)

Dear (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on December 14, 2010. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, e-mail, and mailing address if available. You may contact CRCL by email at [crcl@dhs.gov](mailto:crcl@dhs.gov), by facsimile at 202-401-4708, by phone at 866-644-8360, 866-644-8361 (TTY), or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties

### **Privacy Act Statement**

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to [www.dhs.gov/CRCL](http://www.dhs.gov/CRCL). To learn more about the Privacy Act, go to the Federal Information Center, [www.pueblo.gsa.gov](http://www.pueblo.gsa.gov).

(b)(6)

**From:** CRCLCompliance  
**Sent:** Tuesday, May 07, 2013 4:27 PM  
**To:** (b)(6)  
**Subject:** Follow-up to CRCL Complaint Number 11-03-ICE-0046  
**Attachments:** FINAL Hold letter (b)(6).pdf

Dear (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**Homeland  
Security**

This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying "received in error," and delete the message. In addition, this document may be used FOR OFFICIAL USE ONLY (FOUO) and/or contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). Therefore, it is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. Thank you.





Homeland  
Security

May 7, 2013

(b)(6)

Nashville, Tennessee 37217

(b)(6)

Re: Complaint No. 11-03-ICE-0046, (b)(6)

Dear (b)(6)

This letter is a follow-up to the complaint that the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on December 14, 2010, regarding the treatment of your client (b)(6). The complaint alleges that agents of U.S. Immigration and Customs Enforcement (ICE) violated the complainant's Fourth Amendment and other civil rights when making arrests during a raid on the Clairmont (b)(6) in Nashville, Tennessee, on October 20, 2010.

In a letter sent to you on January 19, 2011, CRCL informed you that our office would review the allegations raised in the complaint and determine the appropriate course of action to take in investigating it. Since the receipt of this complaint, however, we have learned that on October 19, 2011, your firm and others filed a lawsuit on behalf of your clients in the United States District Court for the Middle District of Tennessee, regarding the same incident referenced in the complaint. The lawsuit is against a number of defendants including at least twelve ICE agents. We apologize for the delay in contacting you but we have been monitoring the progress of the litigation. Since the Court has been addressing the same allegations that were made in the complaint, CRCL has decided to continue to monitor this litigation and wait for it to conclude before finalizing our investigation of the complaint. When the litigation concludes, CRCL will contact you if our office intends to take any further action on this matter.

We appreciate your bringing this matter to our attention. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Blumberg".

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0116 11-03-ICE-0046

(b)(6)

| Data Object  | Date             | Event  | Field                | New Value                                                                                                                                                                  | Tracking Id | User   | Reason      |
|--------------|------------------|--------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------------|
| DhsComplaint | 2011-01-18 18:24 | Update | Days to Process      | 35                                                                                                                                                                         | 6869        | (b)(6) | User Change |
| DhsComplaint | 2011-01-18 18:24 | Update | Summary              | On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6) on behalf of (b)(6)<br><br>Statement Contesting Intent to | 6869        |        | User Change |
| DhsComplaint | 2011-01-18 18:24 | Update | Executive Summary    |                                                                                                                                                                            | 6869        |        | User Change |
| DhsComplaint | 2011-01-04 16:56 | Update | Executive Summary    | On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6)<br><br>Statement Contesting Intent to                     | 6869        |        | User Change |
| DhsComplaint | 2011-01-04 16:56 | Update | Summary              | On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6)<br><br>Statement Contesting Intent to                     | 6869        |        | User Change |
| DhsComplaint | 2011-01-04 16:40 | Create | Component Referenced | ICE                                                                                                                                                                        | 6869        |        | User Change |
| DhsComplaint | 2011-01-04 16:40 | Create | Summary              | On December 14, 2010, CRCL received correspondence from Attorney (b)(6) of the Immigration Law Offices of (b)(6)<br><br>Statement Contesting Intent to                     | 6869        |        | User Change |

DHS-004-0000250

|                    |                         |        |                           |                                                                                                                                                                  |        |                |
|--------------------|-------------------------|--------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------|
|                    |                         |        |                           | (b)(6)                                                                                                                                                           |        | (b)(6)         |
|                    |                         |        |                           | Statement Contesting<br>Intent to                                                                                                                                |        |                |
|                    |                         |        |                           | On December 14,<br>2010, CRCL received<br>correspondence from<br>Attorney (b)(6)<br>of the Immigration Law<br>Offices of (b)(6)<br>(b)(6) on behalf of<br>(b)(6) | 6869   | User<br>Change |
| DhsComplaint       | 2011-<br>01-04<br>16:40 | Create | Executive<br>Summary      | Statement Contesting<br>Intent to                                                                                                                                |        |                |
| DhsComplaint       | 2011-<br>01-04<br>16:40 | Create | Allegation                | (CR/CL) Civil<br>Rights/Civil Liberty                                                                                                                            | 6869   | User<br>Change |
| DhsComplaint       | 2011-<br>01-04<br>16:40 | Create | Days to Process           | 21                                                                                                                                                               | 6869   | User<br>Change |
| DhsComplaint       | 2011-<br>01-04<br>16:40 | Create | Date to CRCL              | 12/14/2010                                                                                                                                                       | 6869   | User<br>Change |
| DhsComplaint       | 2011-<br>01-04<br>16:40 | Create | Date to DHS               | 12/07/2010                                                                                                                                                       | 6869   | User<br>Change |
| DhsComplaint       | 2011-<br>01-04<br>16:40 | Create | Date on<br>Correspondence | 12/02/2010                                                                                                                                                       | 6869   | User<br>Change |
| DhsComplaint       | 2011-<br>01-04<br>16:40 | Create | Sender Type               | NGO/Organization                                                                                                                                                 | 6869   | User<br>Change |
| DhsComplaint       | 2011-<br>01-04<br>16:40 | Create | Method of<br>Receipt      | Standard Mail                                                                                                                                                    | 6869   | User<br>Change |
| DhsComplaint       | 2011-<br>01-04<br>16:40 | Create | Entry Date                | 01/04/2011                                                                                                                                                       | 6869   | User<br>Change |
| DhsComplaintAction | 2011-<br>03-02<br>17:40 | Create | Action                    | Short Form                                                                                                                                                       | 103846 | User<br>Change |
| DhsComplaintAction | 2011-<br>03-02<br>17:40 | Create | Action Date               | 03/02/2011                                                                                                                                                       | 103846 | User<br>Change |
| DhsComplaintAction | 2014-<br>01-13<br>10:46 | Update | Action                    | Closed - Short<br>Form/No Further<br>Action                                                                                                                      | 110265 | User<br>Change |
| DhsComplaintAction | 2014-<br>01-13<br>10:46 | Update | Comments                  | Moved to closed -<br>short form no further<br>action. Re (b)(6)<br>instructions.                                                                                 | 110265 | User<br>Change |
| DhsComplaintAction |                         | Create |                           | On December 14,<br>2010, CRCL received<br>a complaint alleging<br>that ICE agents<br>violated civil rights and<br>civil liberties when<br>making arrests at an   | 110265 | User           |
|                    | 2013-<br>05-07          |        | Reporting                 |                                                                                                                                                                  |        |                |

|                    |                  |        |                    |                                                                                                                                                                                                      |        |        |             |
|--------------------|------------------|--------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
|                    | 17:15            |        | Summary            | (b)(6)                                                                                                                                                                                               |        | (b)(6) | Change      |
|                    |                  |        |                    | The complainant filed a lawsuit in the U.S. District Court regarding the same incident referen                                                                                                       |        |        |             |
|                    |                  |        |                    | On December 14, 2010, CRCL received a complaint alleging that ICE agents violated the 4th amendment when it made arrests during a raid on October 20, 2010 at the Clairmont (b)(6) in Nashville, TN. |        |        |             |
| DhsComplaintAction | 2013-05-07 17:15 | Create | Internal Summary   |                                                                                                                                                                                                      | 110265 |        | User Change |
|                    |                  |        |                    | Since the filing of the complaint, the com                                                                                                                                                           |        |        |             |
| DhsComplaintAction | 2013-05-07 17:15 | Create | Action Date        | 05/07/2013                                                                                                                                                                                           | 110265 |        | User Change |
| DhsComplaintAction | 2013-05-07 17:15 | Create | Document           | FINAL Hold letter (b)(6) (b)(6) 11-03-ICE-0046.pdf                                                                                                                                                   | 110265 |        | User Change |
| DhsComplaintAction | 2013-05-07 17:15 | Create | Action             | Closed - Short Form Monitoring                                                                                                                                                                       | 110265 |        | User Change |
|                    |                  |        |                    | 01-10-12 - Reassigned to (b)(6)                                                                                                                                                                      |        |        |             |
| DhsComplaintAction | 2012-01-10 14:54 | Update | Comments           | Short Form - preliminary investigation on what ICE has done.                                                                                                                                         | 103643 |        | User Change |
| DhsComplaintAction | 2012-01-10 14:54 | Update | Primary Assignment | (b)(6)                                                                                                                                                                                               | 103643 |        | User Change |
| DhsComplaintAction | 2011-01-20 10:02 | Create | Action Date        | 01/20/2011                                                                                                                                                                                           | 103235 |        | User Change |
| DhsComplaintAction | 2011-01-20 10:02 | Create | Action             | Awaiting Recommendation                                                                                                                                                                              | 103235 |        | User Change |
| DhsComplaintAction | 2011-01-20 10:02 | Create | Action Date        | 01/20/2011                                                                                                                                                                                           | 103234 |        | User Change |
| DhsComplaintAction | 2011-01-20 10:02 | Create | Document           | 11-03-ICE-0046 (OIG Response 1.20.2011).pdf                                                                                                                                                          | 103234 |        | User Change |
| DhsComplaintAction | 2011-01-20 10:02 | Create | Action             | IG Declines/Back from IG                                                                                                                                                                             | 103234 |        | User Change |
| DhsComplaintAction | 2011-02-16 16:35 | Create | Action             | Back from Officer                                                                                                                                                                                    | 103643 |        | User Change |
| DhsComplaintAction | 2011-02-16 16:35 | Create | Primary Assignment | (b)(6)                                                                                                                                                                                               | 103643 |        | User Change |
|                    | 2011-            |        |                    |                                                                                                                                                                                                      |        |        |             |

|                      |                         |        |                     |                                                                                                                                                                                   |        |        |                |
|----------------------|-------------------------|--------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|----------------|
| DhsComplaintAction   | 02-16<br>16:35          | Create | Action Date         | 02/16/2011                                                                                                                                                                        | 103643 | (b)(6) | User<br>Change |
| DhsComplaintAction   | 2011-<br>02-16<br>16:35 | Create | Comments            | Short Form -<br>preliminary<br>investigation on what<br>ICE has done.                                                                                                             | 103643 |        | User<br>Change |
| DhsComplaintAction   | 2011-<br>02-03<br>14:55 | Create | Comments            | retain, (b)(6)                                                                                                                                                                    | 103379 |        | User<br>Change |
| DhsComplaintAction   | 2011-<br>02-03<br>14:55 | Create | Action Date         | 02/03/2011                                                                                                                                                                        | 103379 |        | User<br>Change |
| DhsComplaintAction   | 2011-<br>02-03<br>14:55 | Create | Action              | Recommendation<br>Review                                                                                                                                                          | 103379 |        | User<br>Change |
| DhsComplaintAction   | 2011-<br>01-18<br>18:48 | Create | Action Date         | 01/06/2011                                                                                                                                                                        | 103211 |        | User<br>Change |
| DhsComplaintAction   | 2011-<br>01-18<br>18:48 | Create | Comments            | On January 6, 2010,<br>Jeffrey Blumberg,<br>Director, Compliance<br>Branch, directed that<br>this matter be opened<br>as a complaint, and<br>recommended that it<br>(b)(5),(b)(6) | 103211 |        | User<br>Change |
| DhsComplaintAction   | 2011-<br>01-18<br>18:48 | Create | Action              | Notes                                                                                                                                                                             | 103211 |        | User<br>Change |
| DhsComplaintAction   | 2011-<br>01-18<br>18:36 | Create | Action Date         | 01/18/2011                                                                                                                                                                        | 103210 |        | User<br>Change |
| DhsComplaintAction   | 2011-<br>01-18<br>18:36 | Create | Action              | Sent to IG                                                                                                                                                                        | 103210 |        | User<br>Change |
| DhsComplaintAction   | 2011-<br>01-18<br>18:35 | Create | Action Date         | 01/18/2011                                                                                                                                                                        | 103209 |        | User<br>Change |
| DhsComplaintAction   | 2011-<br>01-18<br>18:35 | Create | Action              | Open a Complaint                                                                                                                                                                  | 103209 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>01-04<br>16:57 | Create | Foreign<br>Language | No                                                                                                                                                                                | 81896  |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>01-04<br>16:57 | Create | Document Type       | Incoming Letter                                                                                                                                                                   | 81896  |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>01-04<br>16:57 | Create | Document 1          | 12 14 2010<br>(b)(6) pdf                                                                                                                                                          | 81896  |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>01-04<br>16:57 | Create | Dateentered         | 01/04/2011                                                                                                                                                                        | 81896  |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>01-31<br>14:49 | Update | Document 3          | 1 19 2011 (b)(6)<br>(b)(6) 11-03-ICE-<br>0046).pdf                                                                                                                                | 82039  |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>01-19          | Create | Foreign             | No                                                                                                                                                                                | 82039  |        | User           |

|                             |                  |        |                        |                                       |       |        |             |
|-----------------------------|------------------|--------|------------------------|---------------------------------------|-------|--------|-------------|
|                             | 10:03            |        | Language               |                                       |       | (b)(6) | Change      |
| DhsComplaintDocument        | 2011-01-19 10:03 | Create | Dateentered            | 01/19/2011                            | 82039 |        | User Change |
| DhsComplaintDocument        | 2011-01-19 10:03 | Create | Document Type          | Acknowledgement Letter                | 82039 |        | User Change |
| DhsComplaintDocument        | 2011-01-19 10:03 | Create | Document 1             | 12.14.2010 11-03-ICE-0046 (email).pdf | 82039 |        | User Change |
| DhsComplaintDocument        | 2011-01-19 10:03 | Create | Document 2             | 12.14.2010 11-03-ICE-0046.pdf         | 82039 |        | User Change |
| DhsComplaintIssue           | 2011-08-12 14:09 | Update | (b)(5)                 | (b)(5)                                | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-08-12 14:09 | Update | Situation              | DHS law enforcement activity          | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:58 | Update | Incident Location Type | Residence                             | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:58 | Update | Incident Location      | Clairmont (b)(6)                      | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:58 | Update | State                  | Tennessee - TN                        | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:58 | Update | City                   | Nashville                             | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:57 | Create | Primary Issue          | Yes                                   | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:57 | Create | Redirect to Subject    | No                                    | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:57 | Create | (b)(5)                 | (b)(5)                                | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:57 | Create | Ongoing                | No                                    | 12576 |        | User Change |
| DhsComplaintIssue           | 2011-03-02 12:57 | Create | Incident Date          | 10/20/2010                            | 12576 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | First Name             | (b)(6)                                | 19599 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Prefix                 | Mr                                    | 19599 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Contact Type           | On Behalf Of                          | 19599 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Alien Registration     | (b)(6)                                | 19599 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04       | Create | Last Name              |                                       | 19599 |        | User        |

DHS-004-0000254

|                             |                  |        |                    |                                   |       |        |             |
|-----------------------------|------------------|--------|--------------------|-----------------------------------|-------|--------|-------------|
|                             | 2011-01-04 17:01 | Create | First Name         | (b)(6)                            | 19598 | (b)(6) | Change      |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Zip Code           | 37217                             | 19598 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Prefix             | Atty                              | 19598 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Other Organization | Immigration Law Offices of (b)(6) | 19598 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Contact Type       | Sender                            | 19598 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Email              | (b)(6)                            | 19598 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Phone              | 615 (b)(6)                        | 19598 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | City               | Nashville                         | 19598 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Address Line 1     | (b)(6)                            | 19598 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Last Name          | (b)(6)                            | 19598 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | Organization       | Other                             | 19598 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-01-04 17:01 | Create | State              | Tennessee - TN                    | 19598 | (b)(6) | User Change |

**Dent, Martina**

---

**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, March 01, 2011 8:32 AM  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: CRCL Complaint # 11-05-USCIS-0091

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6)@dhs.gov]  
**Sent:** Friday, February 25, 2011 3:45 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: CRCL Complaint # 11-05-USCIS-0091

(b)(6)

Summary of a new complaint for your review:

On February 11, 2011, CRCL received correspondence from (b)(6) Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) (b)(6) alleges that two unidentified USICE Officers unlawfully tried to gain access to his property located at (b)(6) Chicago Illinois, on January 3, 2011 and on January 13, 2011.

(b)(6) alleges that the two USICE officers, one male one female, then returned to his residence on January 29, 2011 at about 9am. (b)(6) alleges that they banged on his door and windows. Both officers identified themselves as ICE representatives but refused to give their names. (b)(6) alleges that he asked the officers if they had a judicial warrant to enter the premises to which they did not answer but instead forced (b)(6) into his room and ordered him to sit down and answer their questions. (b)(6) also alleges that the officers threatened him and deprived him of the right to remain silent until in the presence of his attorney. He claims that the agents accused him of harboring an alien.

Thank you



(b)(6)

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(202) 357-(b)(6) phone)

(b)(6)@dhs.gov

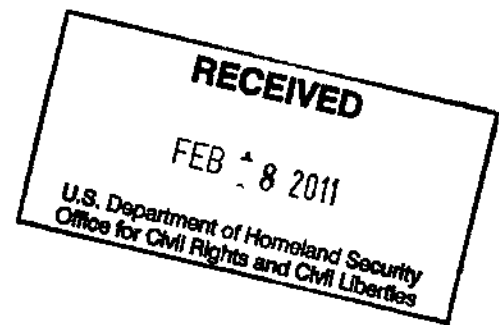
(b)(6)

Chicago IL 60649

January 29th 2011

**Officer for Civil Rights and Civil Liberties**  
**U.S. Department of Homeland Security**  
**245 Murray Lane, SW**  
**Building 410**  
**Mail Stop #0800**  
**Washington, DC 20528**

Dear Officer:



Please accept this letter as a complaint against un-identified Officers "John Doe" and "Kate Doe" of USICE-Chicago, who came to my private residence on the morning of January 29<sup>th</sup> 2011, at 9:15 a.m. My home address is (b)(6) Chicago IL, 60612.

I am a citizen of the United States and Married to an alien. I have been diagnosed of HIV and have been living in this secluded address for safety reason.

So, it was an interesting coincidence that two ICE officers have on the following dates try to gain access into my property unlawfully.

On 01/03/11 two un-identified individuals from INS attempted to force them self into my building but was not able, consequently on the 13<sup>th</sup> of Jan.2011 while I was out to hospital, they came again but met my absence, again on 1/19/11 two un-identified ICE or INS agents approached me while I was getting into a medical Van to take me to hospital for surgery, two un-identified, a male and a female approached me and identified themselves as agents of INS, and I told them That I was going to hospital for a surgery, they saw that I was seriously ill but tried to hold me back for more questioning, at that time I responded to them I have a medical appointment for surgery and I have to go, they keep on following me until I got into the medical van, then they left.

Finally on 01/29/11 at about 9am this morning two un-identified men rang my doorbell, having bypassed the street security gate and buzzer that most people understand to be an indication that the multi-unit apartment building is not open to the general public. At about 9: a.m., as I was still sleeping, my apartment doorbell rang.

Almost naked, I opened the door after they officers have banged heavily on both my door and windows and was greeted by two un-identified agents.

(b)(6),(b)(7)(C)

Both officers identified themselves as ICE officer. Both of them refused to identify their names, the male officer stated that they are looking for me (b)(6). I inquired whether the officers possessed a judicial warrant to enter the premises. The officers did not respond. I then stated to the officers that I declined to answer any questions, and I stated to them that they needed to leave. But the officers forced me into my Room and ordered me to sit down and answer their questions promptly other wise they will arrest me and take me to jail, the male officer puts his hands on his Gun, while the female agent showed me her badge.

While sitting down, the un-identified agents humiliated me and forced me under duress to swear an oath and forced me to answer yes to all their questions, which I couldn't remember what some of their questions and answer I gave them was. As my HIV sickness progressed, I have many seizures which have affected most of my brain cells that I can't recall or remember certain things.

After they have threatened and deprived me of the right to remain silence until the presence of my attorney, they decided to leave me and worked out of my unit.

While still inside my room, I was almost naked when the came in, during their aggressive interrogations, the male officer threatened me with prosecution for alien harboring. And for fraud and requested that I answer yes to all their questions against my wife if I don't want to be prosecuted. I responded that my wife is my soul mate and loved me so much even with my contagious illness. That we are still married and will remain married unless death does us apart

While Inside with these two un-identified agents as they claimed to be, with his gun on me. I again inquired whether the officers had a judicial warrant to enter my premises, as the male officer had stated he would forcibly enter my residence even if I did not open the door. They did not respond if they have a warrant or not. I stated to the officers that they were not entitled to forcibly enter my home without a judicial warrant.

I next instructed the officers to leave my apartment building, unless they had other business at the

building. The officers refused to promptly leave. I informed them that they must leave private property when requested if they did not possess a judicial warrant. Under fear I couldn't mentioned to them that I will call the Chicago Police for fear of being shot to death.

It is evident that I have a right to possession of the common area, my unit and that I chose to exclude the officers from the common areas, of the building and from my unit, I further stated to the officers that they had no claim to possession of the property.

The officers then continued to loiter directly in front of my apartment door for approximately 15 minutes. After torturing me inside This made it difficult to make a call or run and seek for help from neighbors'.

The two un-identified agents have committed invasion of my privacy rights.

Towards the end of their visit before stepping out of my unit, I asked the officers why they were at my residence, to which they did not respond. Then I remembered and gained a little consciousness, and said to my self, at this point that I would have declined to answer any questions related to their enforcement efforts.

As an American citizen, I feel that it is very important that the representatives of my own government respect the law rather than break it. The conduct of the unidentified officer in threatening to kick down my door, though they obviously lacked the legal authority to do so, is indefensible. Such behavior is unbecoming a federal law enforcement agent. The officer's threat placed me in fear of my physical safety.

But for my Understanding of the law, I have little doubt that my rights have been completely brushed aside. By making criminal threats against my home and physical safety, threatening prosecution without probable cause or even reasonable suspicion, and refusing to respect my property rights, the officers clearly sought to dissuade the exercise of my constitutional right to be free from unreasonable searches and seizures.

I also object to the officers trespassing on private property. Federal officers may violate state law only where federal law preempts that law. No federal law authorizes officers to enter and remain in the common access areas of an apartment building pursuant to an investigation without warrant, after having been requested to leave by the person in possession thereof. Because no federal law authorizes the officers' conduct, they are subject to state laws regulating that conduct.

Illinois Law defines as trespass the "refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by ... the owner's agent, or the person in lawful possession ... however, this subdivision shall not apply to persons on the premises who are engaging in activities protected by the Illinois or United States Constitution, or to persons who are on the premises at the request of a resident or management and who are not loitering or otherwise suspected of violating or actually violating any law or ordinance."

USCIS, ICE, INS or United States Homeland Security Administration has never invited me to their office for any interrogation, have never sent any request to me to report to their office for some interrogation, I have never refused to present my self for any evidential hearing requested by the above government entity, why then did they decide to forcefully invade my home without a judicial warrant and ended up intimidating, harassing and threatening me?

Whether as the person in possession of the common area, my unit, for the purpose of excluding unauthorized persons from the premises, I was authorized to exclude the officers from the building.

ICE officers undergo extensive training on immigration and constitutional law. I have no doubt that the conduct of the above officers was knowing and willful. This incident also appears to be just one example of a pattern of constitutional violations in recent times by ICE officers, suggesting the agency has adopted a policy of aggressive violations of constitutional rights in its enforcement efforts.

I request acknowledgment of this complaint, and disclosure of the identity of the two un-identified officer (or at a minimum confirmation that you have identified them and are able to investigate this complaint) within 14 days. Failure to answer will automatically imply deemed as true and I will file a legal law suit to stop such form of abuse and invasion of privacy and to demand damages. I appreciate your attention to this matter. If I can provide any additional information, please do not hesitate to contact me in writing at the address above.

Sincerely, (b)(6)

(b)(6)

Cc: USCIS Chicago Field Office

Certified Mail: (b)(6)





(b)(6)

(b)(6)

CHICAGO IL 60649

OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES  
U.S. DEPARTMENT OF HOMELAND SECURITY  
245 MURRAY LANE, SW  
BUILDING 410  
MAIL STOP # 0800  
WASHINGTON, DC 20528

6/27/2011

Dear Officer Jeffrey S. Blumberg

On June 24<sup>th</sup> 2011, I received a letter from your office dated June 10<sup>th</sup> 2011 which is a response to my letter to your office received on February 8<sup>th</sup> 2011.

In that letter you confirm that CRCL have determined that my allegations should be investigated by ICE, a component of DHS, which will conduct an investigation into the circumstances surrounding any visits to my resident by ICE agents in January of 2011, to investigate violation of civil rights, civil liberties and profiling on the bases of race, ethnicity, or religion and report its findings to CRCL.

You also mentioned that your office does not provide individuals with legal or procedural rights or remedies.

You also mentioned that there may be time limitations that govern how quickly I need to act to protect my interest. I am not an attorney, and I don't have the money to hire one, I wish to represent myself, but my simple and urgent questions are

- a. What is the statute of limitation on this issue I have reported to your office?
- b. Is there any time limitation to institute any legal action
- c. If there is, how long? And state the law to that effect.

I will appreciate you quick response.

Yours Sincerely

(b)(6)

(b)(6)













**Homeland  
Security**

March 19, 2012

(b)(6)

Chicago, Illinois 60649

Re: Complaint No. 11-05-ICE-0091

Dear (b)(6)

This letter is in response to information the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on February 8, 2011. In a letter dated June 10, 2011, we informed you that pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the matters raised in your complaint would be investigated by U.S. Immigration and Customs Enforcement (ICE), a component of DHS. On January 25, 2012, ICE provided its report to CRCL.

In your complaint, you alleged that ICE employees or officials threatened you, refused to respect your property rights, and subjected you to an unreasonable search and seizure at your residence in January 2011. ICE received the information and allegations provided in your correspondence and conducted an internal investigation. A fact-finder from ICE's Office of Professional Responsibility (OPR) investigated your allegations and provided the results of the investigation to CRCL.

During the investigation, ICE OPR made repeated attempts to interview you and your attorney. To conduct a thorough investigation, ICE OPR needed to interview you or your attorney for additional information and for clarification of the information you provided in your letter to CRCL. After you declined to be interviewed, ICE OPR attempted to contact your attorney on several occasions but never received a response regarding their request for an interview. Due to the lack of response from your attorney, ICE OPR has closed its investigation into your complaint.

This concludes our review of the complaint. We appreciate your bringing this matter to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**Homeland  
Security**

February 25, 2011

(b)(6)

Chicago IL, 60649

Re: Complaint No. 11-05-USCIS-0091

Dear

(b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on February 18, 2011. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at [crcl@dhs.gov](mailto:crcl@dhs.gov), by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

### **Privacy Act Statement**

Under 5 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to [www.dhs.gov/CRCL](http://www.dhs.gov/CRCL). To learn more about the Privacy Act, go to the Federal Information Center, [www.pucblo.gsa.gov](http://www.pucblo.gsa.gov).



**OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
COMPLAINT WITHOUT RECOMMENDATIONS  
CLOSURE MEMORANDUM**

To: Jeffrey Blumberg  
From: (b)(6)  
Date: March 19, 2012  
Complaint Number: 11-05-ICE-0091  
Complainant Name (Alien Number): (b)(6)

**Reason(s) for Closure without Recommendations (*check all that apply*):**

(b)(5)

**Complaint Synopsis and Explanation of Closing Rationale:**

On February 8, 2011, CRCL received correspondence from (b)(6) concerning his treatment by U.S. Immigration and Customs Enforcement (ICE) officers at and around his residence in Chicago, Illinois. (b)(6) alleged that ICE officers approached him on several occasions during January, 2011, entering his home, threatening him, refusing to respect his property rights, and subjecting him to an unreasonable search and seizure. (b)(6) alleged that during these encounters ICE officers questioned him, but (b)(6) could not remember the specific questions they asked him due to his significant health problems, including HIV and seizures.

(b)(5), (b)(6)









**Homeland  
Security**

June 10, 2011

(b)(6)

Chicago, IL 60649

Re: Complaint No. 11-05-ICE-0091

Dear (b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) received information from you on February 8, 2011, concerning your treatment by employees or officials of U.S. Immigration and Customs Enforcement (ICE) at your residence in Chicago, Illinois, between January 3 and January 29, 2011.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000cc-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security (DHS) employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

CRCL takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by ICE, a component of DHS, which will report its findings to CRCL. ICE will conduct an investigation into the circumstances surrounding any visits to your residence by ICE agents in January 2011.

We will review ICE's findings and assess compliance with civil rights requirements in these areas. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of DHS.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

ICE or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact CRCL by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov). When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**Homeland  
Security**

June 10, 2011

MEMORANDUM FOR:

(b)(6), (b)(7)(C)

Deputy Division Director, Investigative Support Unit  
Office of Professional Responsibility  
U.S. Immigration and Customs Enforcement

Peter S. Vincent  
Principal Legal Advisor  
U.S. Immigration and Customs Enforcement

FROM:

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor  
Office of General Counsel

SUBJECT:

Complaint No. 11-05-ICE-0091

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that ICE has violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to ICE for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaint/s within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

*CRCL authorities.* Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

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*Access to information.* More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

*Reprisals forbidden.* In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

*Privilege and required transparency.* Our communications with ICE personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at 202-357-(b)(6) 866-644-8360 (TTY), or by email at (b)(6)@dhs.gov.

Copies to:

(b)(6),(b)(7)(C)

Regional Operations Manager, Investigative Support Unit  
Office of Professional Responsibility  
U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C)@dhs.gov

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(b)(6),(b)(7)(C)

Office of Professional Responsibility  
U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C)@dhs.gov

(b)(6),(b)(7)(C)

Executive Associate Director  
Enforcement and Removal Operations  
U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C)@dhs.gov

Enclosure/s

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OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
REFERRED COMPLAINT ASSISTANCE FORM

| REFERRED COMPLAINT ASSISTANCE |                                                                        |
|-------------------------------|------------------------------------------------------------------------|
| Assigned To:                  | ICE                                                                    |
| Requested From:               | DHS Headquarters<br>Office for Civil Rights and Civil Liberties (CRCL) |
| POC:                          | (b)(6) Policy Advisor (Compliance), 202-357 (b)(6)<br>(b)(6) @dhs.gov  |
| Date Referred to CBP:         | June 10, 2011                                                          |
| Deadline to CRCL:             | Within 180 days of the date on the attached memo.                      |
| CRCL Complaint No:            | 11-05-ICE-0091 (b)(6)                                                  |

**SYNOPSIS**

On February 11, 2011, CRCL received correspondence from (b)(6) of Chicago, Illinois. In a certified letter dated January 29, 2011 (also sent to the USCIS Chicago Field Office), (b)(6) alleges that two unidentified ICE Officers unlawfully tried to gain access to his property at (b)(6) Chicago Illinois, on January 3, 2011, January 13, 2011, and January 19, 2011. While the agents were not able to gain access on any of these dates, (b)(6) alleges that on January 19, 2011, two agents approached him as he was getting ready to go to the hospital for surgery. According to (b)(6) the agents attempted to stop him from going to the hospital in order to question him and only stopped following him when he entered the medical van that was taking him to the hospital.

(b)(6) alleges that the two ICE officers, one male and one female, then returned to his residence on January 29, 2011, at about 9am. (b)(6) alleges that, after getting through the street security gate and buzzer, they rang his doorbell and banged on his doors and windows. Both officers identified themselves as ICE representatives, but refused to give their names. (b)(6) alleges that he asked the officers if they had a judicial warrant to enter the premises, but that they did not answer. When they did not answer his question, (b)(6) alleges that he told the agents that he would not answer any questions and that they should leave. Instead, the agents allegedly threatened to break down his door and forced (b)(6) into his room and ordered him to sit down and answer their questions under threat of arrest and prosecution for fraud and for harboring an illegal alien. (b)(6) alleges that the agents humiliated him, threatened him, and deprived him of his right to remain silent.

(b)(6) alleges that after the agents questioned him, they began working out of his apartment. He then again asked the officers to leave the apartment building; he alleges that he was too scared to call the police or ask neighbors for assistance. According to (b)(6) the agents refused to leave and instead stood directly in front of his apartment door for approximately fifteen minutes. (b)(6) claims that he felt threatened by the actions of the officers – including gestures made by at least one officer toward his gun -- which made it difficult for him to call or run and seek help from his neighbors.

(b)(6) alleges that over the course of these incidents, ICE agents have made criminal threats against him and his home and physical safety, threatened prosecution without probable cause or reasonable suspicion, refused to respect his property rights, and subjected him to unreasonable search and seizure. Further, while (b)(6) indicates that he would be willing to speak with authorities, he alleges that he has never been asked

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**OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
REFERRED COMPLAINT ASSISTANCE FORM**

to appear at USCIS, ICE, INS, or DHS offices for interrogation, either verbally or in writing.

**ISSUES/ALLEGATIONS**

**Issues/Allegations  
to be addressed in CBP's Fact  
Finding Report/ROI submitted to  
DHS CRCL:**

- (b)(5), (b)(6)
- 
- 

**Information/Documents requested  
by DHS CRCL:**

(b)(5), (b)(6)

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Law Enforcement Sensitive*



## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0311 11-05-ICE-0091 (b)(6)

| Data Object  | Date             | Event  | Field                  | New Value                                                                                                                                                                                                                                            | Tracking Id | User   | Reason      |
|--------------|------------------|--------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------------|
| DhsComplaint | 2011-02-16 15:37 | Create | Component Referenced   | USCIS                                                                                                                                                                                                                                                | 7068        | (b)(6) | User Change |
| DhsComplaint | 2011-02-16 15:37 | Create | Summary                | On February 11, 2011, CRCL received correspondence from (b)(6) Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) (b)(6) alleges that two unidentified USICE Officers unlawfully tried to | 7068        |        | User Change |
| DhsComplaint | 2011-02-16 15:37 | Create | Executive Summary      | On February 11, 2011, CRCL received correspondence from (b)(6) Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) (b)(6) alleges that two unidentified USICE Officers unlawfully tried to | 7068        |        | User Change |
| DhsComplaint | 2011-02-16 15:37 | Create | Allegation             | (CR/CL) Civil Rights/Civil Liberty                                                                                                                                                                                                                   | 7068        |        | User Change |
| DhsComplaint | 2011-02-16 15:37 | Create | Days to Process        | 7                                                                                                                                                                                                                                                    | 7068        |        | User Change |
| DhsComplaint | 2011-02-16 15:37 | Create | Date to CRCL           | 02/09/2011                                                                                                                                                                                                                                           | 7068        |        | User Change |
| DhsComplaint | 2011-02-16 15:37 | Create | Date to DHS            | 02/07/2011                                                                                                                                                                                                                                           | 7068        |        | User Change |
| DhsComplaint | 2011-02-16 15:37 | Create | Date on Correspondence | 01/29/2011                                                                                                                                                                                                                                           | 7068        |        | User Change |
| DhsComplaint | 2011-02-16 15:37 | Create | Sender Type            | Individual                                                                                                                                                                                                                                           | 7068        |        | User Change |
| DhsComplaint | 2011-02-16 15:37 | Create | Method of Receipt      | Standard Mail                                                                                                                                                                                                                                        | 7068        |        | User Change |
| DhsComplaint | 2011-02-16 15:37 | Create | Entry Date             | 02/16/2011                                                                                                                                                                                                                                           | 7068        |        | User Change |
| DhsComplaint | 2011-02-25       | Update | Days to Process        | 16                                                                                                                                                                                                                                                   | 7068        |        | User        |

DHS-004-0000281

|                    |                  |        |                      |                                                                                                                                                                                                                                                       |        |        |             |
|--------------------|------------------|--------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
|                    | 15:46            |        |                      |                                                                                                                                                                                                                                                       |        | (b)(6) | Change      |
| DhsComplaint       | 2011-02-25 15:46 | Update | Allegation           | (CR/CL) Civil Rights/Civil Liberty                                                                                                                                                                                                                    | 7068   |        | User Change |
| DhsComplaint       | 2011-02-16 15:44 | Update | Allegation           | (NJ) No Jurisdiction                                                                                                                                                                                                                                  | 7068   |        | User Change |
| DhsComplaint       | 2011-05-23 10:26 | Update | Days to Process      | 103                                                                                                                                                                                                                                                   | 7068   |        | User Change |
| DhsComplaint       | 2011-05-23 10:26 | Update | Executive Summary    | On February 11, 2011, CRCL received correspondence from (b)(6) Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) (b)(6) alleges that two unidentified "USICE" Officers unlawfully tried t | 7068   |        | User Change |
| DhsComplaint       | 2011-05-23 10:26 | Update | Component Referenced | DHS                                                                                                                                                                                                                                                   | 7068   |        | User Change |
| DhsComplaint       | 2011-05-23 10:26 | Update | Summary              | On February 11, 2011, CRCL received correspondence from (b)(6) Chicago Illinois. In a certified letter dated January 29, 2011, (also sent to the USCIS Chicago Field Office) (b)(6) alleges that two unidentified "USICE" Officers unlawfully tried t | 7068   |        | User Change |
| DhsComplaint       | 2011-06-09 15:37 | Update | Component Referenced | ICE                                                                                                                                                                                                                                                   | 7068   |        | User Change |
| DhsComplaint       | 2011-06-09 15:37 | Update | Days to Process      | 120                                                                                                                                                                                                                                                   | 7068   |        | User Change |
| DhsComplaintAction | 2011-10-06 10:10 | Update | Primary Assignment   | (b)(6)                                                                                                                                                                                                                                                | 105110 |        | User Change |
| DhsComplaintAction | 2012-03-19 13:58 | Create | Action               | Closed - Referred/No Further Action                                                                                                                                                                                                                   | 107233 |        | User Change |
| DhsComplaintAction | 2012-03-19 13:58 | Create | Internal Summary     | On February 8, 2011, CRCL received correspondence from (b)(6) concerning his treatment by U.S. Immigration and Customs Enforcement (ICE) officers at and around his residence in Chicago, Illinois. (b)(6) alleged that                               | 107233 |        | User Change |

|                    |                  |        |                    |                                                                                                                                                                                                                                                 |        |        |             |
|--------------------|------------------|--------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
| DhsComplaintAction | 2012-03-19 13:58 | Create | Action Date        | ICE officers approached<br>03/19/2012                                                                                                                                                                                                           | 107233 | (b)(6) | User Change |
| DhsComplaintAction | 2012-03-19 13:58 | Create | Reporting Summary  | On February 8, 2011, CRCL received correspondence from (b)(6) concerning his treatment by U.S. Immigration and Customs Enforcement (ICE) officers at and around his residence in Chicago, Illinois. (b)(6) alleged that ICE officers approached | 107233 | (b)(6) | User Change |
| DhsComplaintAction | 2011-06-10 16:30 | Create | Action Date        | 06/10/2011                                                                                                                                                                                                                                      | 105211 | (b)(6) | User Change |
| DhsComplaintAction | 2011-06-10 16:30 | Create | Action             | Referred                                                                                                                                                                                                                                        | 105211 | (b)(6) | User Change |
| DhsComplaintAction | 2011-06-10 16:30 | Create | Document           | CRCL Referred Assistance Form Complaint No. 11-05-ICE-0091.pdf                                                                                                                                                                                  | 105211 | (b)(6) | User Change |
| DhsComplaintAction | 2011-02-25 15:46 | Create | Action             | Open a Complaint                                                                                                                                                                                                                                | 103711 | (b)(6) | User Change |
| DhsComplaintAction | 2011-02-25 15:46 | Create | Action Date        | 02/25/2011                                                                                                                                                                                                                                      | 103711 | (b)(6) | User Change |
| DhsComplaintAction | 2011-06-02 14:16 | Create | Comments           | Short Form                                                                                                                                                                                                                                      | 105110 | (b)(6) | User Change |
| DhsComplaintAction | 2011-06-02 14:16 | Create | Primary Assignment | (b)(6)                                                                                                                                                                                                                                          | 105110 | (b)(6) | User Change |
| DhsComplaintAction | 2011-06-02 14:16 | Create | Action             | Back from Officer                                                                                                                                                                                                                               | 105110 | (b)(6) | User Change |
| DhsComplaintAction | 2011-06-02 14:16 | Create | Action Date        | 06/02/2011                                                                                                                                                                                                                                      | 105110 | (b)(6) | User Change |
| DhsComplaintAction | 2011-06-02 14:15 | Create | Action             | Recommendation Review                                                                                                                                                                                                                           | 105109 | (b)(6) | User Change |
| DhsComplaintAction | 2011-06-02 14:15 | Create | Action Date        | 06/02/2011                                                                                                                                                                                                                                      | 105109 | (b)(6) | User Change |
| DhsComplaintAction | 2011-05-26 14:37 | Create | Comments           | Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it (b)(5)                                                                                                               | 105070 | (b)(6) | User Change |

|                      |                  |        |                  |                                                                            |        |        |             |
|----------------------|------------------|--------|------------------|----------------------------------------------------------------------------|--------|--------|-------------|
| DhsComplaintAction   | 2011-05-26 14:37 | Create | Action           | Awaiting Recommendation                                                    | 105070 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-05-26 14:37 | Create | Action Date      | 05/26/2011                                                                 | 105070 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-05-26 14:35 | Create | Document         | 11-05-DHS-0091 (OIG Response 3.1.2011).pdf                                 | 105069 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-05-26 14:35 | Create | Action           | IG Declines/Back from IG                                                   | 105069 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-05-26 14:35 | Create | Action Date      | 05/26/2011                                                                 | 105069 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-02-25 16:00 | Create | Action           | Sent to IG                                                                 | 103712 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-02-25 16:00 | Create | Action Date      | 02/25/2011                                                                 | 103712 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-02-25 15:57 | Create | Document Type    | Acknowledgement Letter                                                     | 82564  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-02-25 15:57 | Create | Foreign Language | No                                                                         | 82564  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-02-25 15:57 | Create | Document 1       | CRCL Complaint 11-05-USCIS-0091 Acknowledgment Letter (b)(6) 2 25 2011.pdf | 82564  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-02-25 15:57 | Create | Dateentered      | 02/25/2011                                                                 | 82564  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-02-25 15:54 | Create | Document Type    | Draft Response                                                             | 82563  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-02-25 15:54 | Create | Foreign Language | No                                                                         | 82563  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-02-25 15:54 | Create | Document 1       | Complaint Summary Form 11-05-USCIS-0091 (b)(6).pdf                         | 82563  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-02-25 15:54 | Create | Dateentered      | 02/25/2011                                                                 | 82563  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-08-30 17:32 | Create | Document Type    | Incoming Letter                                                            | 84971  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-08-30 17:32 | Create | Comments         | Supplemental to complaint received 8/30/2011                               | 84971  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-08-30 17:32 | Create | Document 2       | 8 30 2011 (b)(6) env.pdf                                                   | 84971  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-08-30 17:32 | Create | Dateentered      | 08/30/2011                                                                 | 84971  | (b)(6) | User Change |
|                      | 2011-            |        |                  |                                                                            |        | (b)(6) |             |

|                      |                         |        |                     |                                                                                     |       |        |                |
|----------------------|-------------------------|--------|---------------------|-------------------------------------------------------------------------------------|-------|--------|----------------|
| DhsComplaintDocument | 08-30<br>17:32          | Create | Foreign<br>Language | No                                                                                  | 84971 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-30<br>17:32 | Create | Document 1          | 8 30 2011 (b)(6).pdf                                                                | 84971 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>06-10<br>16:33 | Create | Document Type       | Referral Letter                                                                     | 84177 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>06-10<br>16:33 | Create | Dateentered         | 06/10/2011                                                                          | 84177 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>06-10<br>16:33 | Create | Foreign<br>Language | No                                                                                  | 84177 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>06-10<br>16:33 | Create | Document 1          | CRCL Referral Letter<br>Complaint No. 11-05-<br>ICE-0091.pdf                        | 84177 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>06-10<br>16:32 | Create | Document Type       | Referral Memo                                                                       | 84176 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>06-10<br>16:32 | Create | Dateentered         | 06/10/2011                                                                          | 84176 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>06-10<br>16:32 | Create | Foreign<br>Language | No                                                                                  | 84176 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>06-10<br>16:32 | Create | Document 1          | CRCL Referral Memo<br>Complaint No. 11-05-<br>ICE-0091.pdf                          | 84176 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>02-16<br>15:42 | Create | Document Type       | Incoming Letter                                                                     | 82410 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>02-16<br>15:42 | Create | Foreign<br>Language | No                                                                                  | 82410 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>02-16<br>15:42 | Create | Document 1          | 2 8 2011 (b)(6).pdf                                                                 | 82410 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>02-16<br>15:42 | Create | Dateentered         | 02/16/2011                                                                          | 82410 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2012-<br>03-19<br>13:43 | Create | Foreign<br>Language | No                                                                                  | 86347 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2012-<br>03-19<br>13:43 | Create | Document 2          | CRCL Complaint<br>without<br>Recommendation<br>Closure Memo. 11-<br>05-ICE-0091.pdf | 86347 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2012-<br>03-19<br>13:43 | Create | Document Type       | Closed Letter                                                                       | 86347 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2012-<br>03-19<br>13:43 | Create | Document 1          | CRCL Close Letter<br>Complaint No. 11-05-<br>ICE-0091.pdf                           | 86347 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2012-<br>03-19<br>13:43 | Create | Dateentered         | 03/19/2012                                                                          | 86347 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2012-<br>02-17          | Create | Dateentered         | 02/17/2012                                                                          | 86179 | (b)(6) | User           |

|                             |                  |        |                     |                        |       |        |             |
|-----------------------------|------------------|--------|---------------------|------------------------|-------|--------|-------------|
|                             | 15:43            |        |                     |                        |       | (b)(6) | Change      |
| DhsComplaintDocument        | 2012-02-17 15:43 | Create | Foreign Language    | No                     | 86179 |        | User Change |
| DhsComplaintDocument        | 2012-02-17 15:43 | Create | Document 1          | Closing Report.pdf     | 86179 |        | User Change |
| DhsComplaintDocument        | 2012-02-17 15:43 | Create | Document Type       | Investigative Material | 86179 |        | User Change |
| DhsComplaintDocument        | 2012-02-17 15:43 | Create | Comments            | ROI                    | 86179 |        | User Change |
| DhsComplaintIssue           | 2011-09-23 12:09 | Update | Situation           | 287g                   | 12532 |        | User Change |
| DhsComplaintIssue           | 2011-02-16 15:44 | Create | Primary Issue       | Yes                    | 12532 |        | User Change |
| DhsComplaintIssue           | 2011-02-16 15:44 | Create | (b)(5)              | (b)(5)                 | 12532 |        | User Change |
| DhsComplaintIssue           | 2011-02-16 15:44 | Create | Ongoing             | No                     | 12532 |        | User Change |
| DhsComplaintIssue           | 2011-02-16 15:44 | Create | Redirect to Subject | No                     | 12532 |        | User Change |
| DhsComplaintIssue           | 2011-02-16 15:44 | Create | Incident Date       | 01/29/2011             | 12532 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-02-16 15:43 | Create | City                | Chicago                | 20859 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-02-16 15:43 | Create | State               | Illinois - IL          | 20859 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-02-16 15:43 | Create | First Name          | (b)(6)                 | 20859 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-02-16 15:43 | Create | Last Name           | (b)(6)                 | 20859 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-02-16 15:43 | Create | Address Line 1      | (b)(6)                 | 20859 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-02-16 15:43 | Create | Contact Type        | Sender                 | 20859 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-02-16 15:43 | Create | Zip Code            | 60649                  | 20859 |        | User Change |

**From:** (b)(6)  
**To:**  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-06-ICE-0170  
**Date:** Wednesday, April 06, 2011 7:52:46 AM

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*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6)@dhs.gov]  
**Sent:** Monday, April 04, 2011 9:14 AM  
**To:** (b)(6)  
**Cc:**  
**Subject:** CRCL Complaint Number 11-06-ICE-0170

(b)(6)

Summary of new complaint for your review:

On March 29, 2011, CRCL was cc'd email correspondence from (b)(6) of Council on American-Islamic Relations (CAIR), on behalf of (b)(6) a delivery person for a pizza restaurant in Meriden, Connecticut. Allegedly, on March 8, 2011, (b)(6) reported that he was pulled over on High Street in Meriden by two unmarked cars while enroute to deliver a pizza, then person's who identified themselves as DHS (ICE) agents aggressively questioned him, illegally searched his car and apartment, and never informed him of why he was being interrogated or fingerprinted. Allegedly, after the interrogation and driving (b)(6) outside the courthouse, the agents stated "You're lucky you're legal. We will release you," and drove him back to his car.

Thank you.

-----

(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties

(202) 357-(b)(6) (phone)  
(b)(6)@dhs.gov

(b)(6) @dhs.gov











**From:** (b)(6)  
**To:** (b)(6)  
**Cc:** [crcl@dhs.gov](mailto:crcl@dhs.gov); (b)(6)  
**Subject:** Report of DHS Violation of Conn. Muslim's Constitutional Rights  
**Date:** Wednesday, March 30, 2011 1:04:04 PM  
**Attachments:** Letter to DHS about (b)(6).doc

(b)(6)

Assistant Attorney General  
Civil Rights Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

March 30, 2011

Dear (b)(6)

**Subject:** Report of DHS Violation of Conn. Muslim's Constitutional Rights

Non Responsive

I would like to bring to your attention a disturbing incident that was reported to CAIR. In the spirit of jointly tackling some of the challenges we face, I hope you might help us answer some questions that were raised as a result of this incident and explain the circumstances in which it occurred.

On March 8, 2011, (b)(6) a delivery person for a pizza restaurant in Meriden, Conn., reported that he was pulled over on High Street in Meriden by two unmarked cars while enroute to deliver a pizza.

After quickly flashing badges, the three men asked him to hand over his gun and step out of the car. They immediately handcuffed (b)(6) and placed him in the back seat of one of their cars.

(b)(6) informed them that he has never owned or carried a gun. After searching him and emptying his pockets of all contents, the "agents" proceeded to question him aggressively about his identity, his immigration status, his roommates, and his associations with other people.

During this time, (b)(6) informed the "agents" that he has a lawyer and he would like to call her but the "agents" replied, "Wait, we will search first." They continued questioning Mr. (b)(6) about his former roommates' names and their current whereabouts. The "agents" searched his car without his consent and never provided a search warrant.

At no point did these men inform (b)(6) that he was under arrest or explain why all this was happening to him.

The "agents" drove him to the courthouse where they parked their cars along Butler Street. They finger printed him and continued their interrogation without ever taking him into the

courthouse or informing him that he was under arrest.

At this time, they presented a file that contained a photograph of one of (b)(6) former roommates. Our client, (b)(6) informed them that the ex-roommate, (b)(6) left the United States five years ago and that he has not seen him since that time.

The "agents" informed (b)(6) "You're lucky you're legal. We will release you," and drove him back to his car. They also informed (b)(6) that earlier in the day they had visited his landlord who let them into his apartment, which they then searched. Again, at no point did they present (b)(6) or his landlord with a search warrant allowing them access to his apartment.

The "agents" then apologized to (b)(6) and informed him that they are with "Homeland Security."

Based on the information provided above, I respectfully request that your office begin an immediate civil rights investigation to determine the following:

1. Whether the individuals who detained (b)(6) acted on behalf of The Department of Homeland Security.
2. Why the "agents" in question did not identify themselves properly.
3. Why (b)(6) was handcuffed and detained without a warrant.
4. Why (b)(6) was denied the right to an attorney even after he requested legal representation.
5. Why (b)(6) apartment and car were searched without a warrant.
6. Why (b)(6) was driven to a courthouse but not taken inside.

If you have questions about this case, I may be reached at...

(b)(6) Executive Director  
Council on American-Islamic Relations  
Connecticut Chapter  
57 Pratt St., Suite (b)(6)  
Hartford, CT 06103

Office: 860-442-CAIR (2247)  
Cell: 860- (b)(6)  
Email: (b)(6)@cair.com

Thank you for your attention to this important matter.

Sincerely,

(b)(6)  
Executive Director  
Council on American-Islamic Relations  
Connecticut Chapter  
57 Pratt Street, Suite (b)(6)  
Hartford, CT 06103

Cell Phone (860) (b)(6)  
Tel (860) 442-CAIR(2247) Fax (860) 727-8679  
Email (b)(6)@CAIR.com

CAIR, America's largest Islamic civil liberties and advocacy group, has over 30 offices and chapters in the U.S.A and Canada. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.



Homeland  
Security

April 4, 2011

*Via Electronic Mail*

(b)(6)  
(b)(6)@CAIR.com

Re: Complaint No. 11-06-ICE-0170 (b)(6)

Dear (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on March 29, 2011. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at [crcl@dhs.gov](mailto:crcl@dhs.gov), by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528



For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

### **Privacy Act Statement**

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to [www.dhs.gov/CRCL](http://www.dhs.gov/CRCL). To learn more about the Privacy Act, go to the Federal Information Center, [www.pueblo.gsa.gov](http://www.pueblo.gsa.gov).



Homeland  
Security

September 26, 2012

(b)(6)

Executive Director  
Council on American-Islamic Relations  
Connecticut Chapter  
57 Pratt Street, Suite (b)(6)  
Hartford, CT 06103

Re: Complaint No. 11-06-ICE-0170

Dear (b)(6)

This letter is a follow-up to the complaint you submitted to the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) on March 29, 2011, regarding DHS operations in Meriden, Connecticut, related to (b)(6). Specifically, your complaint alleged that on March 8, 2011, (b)(6) was pulled over by two unmarked U.S. Immigrations and Customs Enforcement (ICE) vehicles. Subsequently, ICE officers allegedly handcuffed (b)(6), placed him in the back of their vehicle, and aggressively questioned him about his immigration status, identity, and associations with other people. In addition, ICE allegedly searched (b)(6) car without consent, and drove him to the parking lot of a nearby courthouse where they fingerprinted him and continued to question him. During this incident, ICE officers allegedly failed to identify themselves appropriately, and denied (b)(6) requests to contact an attorney. Your complaint further alleged that, prior to this incident, ICE searched (b)(6) apartment without obtaining his consent and without a warrant.

In a letter sent to you on June 3, 2011, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we had determined that the matters raised by your complaint would be reviewed by ICE, a component of DHS, which would report its findings to this Office. ICE investigated these allegations and forwarded its Report of Investigation (ROI) to CRCL. As part of its investigation, ICE interviewed witnesses and reviewed documents and information related to the incident. The ICE ROI concluded that the evidence gathered did not substantiate the allegations regarding the unlawful search of the apartment and vehicle, inappropriate conduct by ICE officers, unlawful traffic stop, and unlawful detention of (b)(6). CRCL has determined that it will take no further action on these allegations. Nevertheless, CRCL has a separate investigation open that is examining ICE's policies regarding officers obtaining consent to conduct a search. As we complete the other investigation, we will take account of this incident and incorporate information about it as appropriate when we formulate our report and recommendations to ICE about any issues we find in that investigation.

Accordingly, based on our review of the facts and circumstances presented in this matter, we have concluded that your concerns have been addressed and we are closing your complaint.

We appreciate your bringing these matters to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
REFERRED COMPLAINT ASSISTANCE FORM

| REFERRED COMPLAINT ASSISTANCE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Assigned To:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | U.S. Immigration and Customs Enforcement                                                                                                         |
| Requested From:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | DHS Headquarters<br>Office for Civil Rights and Civil Liberties (CRCL)                                                                           |
| POC:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | (b)(6) Senior Policy Advisor, 202-357-7766,<br>s.gov                                                                                             |
| Date Referred to CBP:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | June 3, 2011                                                                                                                                     |
| Deadline to CRCL:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Within 180 days of the date on the attached memo.                                                                                                |
| CRCL Complaint No:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 11-06-ICE-0170, (b)(6)                                                                                                                           |
| SYNOPSIS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                  |
| <p>On March 29, 2011, CRCL received a complaint from (b)(6) of the Council on American-Islamic Relations on behalf of (b)(6). Mr. (b)(6) alleges that Mr. (b)(6) was stopped and detained by ICE agents during a traffic stop on High Street in Meriden, Connecticut, on March 8, 2011. Mr. (b)(6) further alleges that Mr. (b)(6) was handcuffed, searched, and held outside a courthouse, where he was fingerprinted. His car was also searched without his consent. At different points while he was in custody, Mr. (b)(6) was questioned about his identity, immigration status, roommates, and associations with other people. In addition, Mr. (b)(6) alleges that at one point, Mr. (b)(6) asked to contact his attorney, but the agents told him to wait and kept questioning him. The agents also showed Mr. (b)(6) a file that contained a photo of one of Mr. (b)(6) former roommates, (b)(6). Mr. (b)(6) also alleges that the agents informed Mr. (b)(6) that agents had visited his apartment earlier in the day, and his landlord let the agents into the apartment, which they then searched. At no point did the agents tell Mr. (b)(6) that he was under arrest or show him a warrant or other paperwork that authorized his detention, the search of his car, or the search of his apartment.</p> |                                                                                                                                                  |
| ISSUES/ALLEGATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                  |
| Issues/Allegations to be addressed in ICE's Fact Finding Report/ROI submitted to DHS CRCL:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"><li>• (b)(5), (b)(6)</li><li>•</li><li>•</li><li>•</li><li>•</li><li>•</li><li>•</li><li>•</li><li>•</li></ul> |

Protected by Attorney-Client and Deliberative Process Privileges  
Law Enforcement Sensitive



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
REFERRED COMPLAINT ASSISTANCE FORM

|                                                         |                                                                  |
|---------------------------------------------------------|------------------------------------------------------------------|
|                                                         | <ul style="list-style-type: none"><li>• (b)(5), (b)(6)</li></ul> |
| <b>Additional Instructions and Documents to Review:</b> | <ul style="list-style-type: none"><li>•</li></ul>                |

*Protected by Attorney-Client and Deliberative Process Privileges  
Law Enforcement Sensitive*



**Homeland  
Security**

June 3, 2011

(b)(6) Executive Director  
Council on American-Islamic Relations  
Connecticut Chapter  
57 Pratt Street (b)(6)  
Hartford, CT 06103

Re: Complaint No. 11-06-ICE-0170, (b)(6)

Dear Mr. (b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) received information from you on March 29, 2011, concerning the treatment of (b)(6) by employees of U.S. Immigration and Customs Enforcement (ICE) during the traffic stop and subsequent detention of Mr. (b)(6) in Meriden, Connecticut, on March 8, 2011.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security (DHS) employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

CRCL takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by ICE, a component of DHS, which will report its findings to CRCL. ICE will conduct an investigation of one or more of the concerns that you have raised, specifically those related to the alleged stop and questioning of Mr. (b)(6). Additionally the allegations regarding searches by ICE of Mr. (b)(6) car and apartment will be examined.

We will review ICE's findings and assess compliance with civil rights requirements in these areas. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of DHS.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on behalf of Mr. (b)(6). Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe Mr. (b)(6) rights have been violated, you may wish to advise him to consult an attorney. There may be time limitations that govern how quickly he needs to act to protect his interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If

you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

ICE or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact CRCL by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov). When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**Homeland  
Security**

June 3, 2011

MEMORANDUM FOR:

(b)(6), (b)(7)(C)

Deputy Division Director, Investigative Support Unit  
Office of Professional Responsibility  
U.S. Immigration and Customs Enforcement

Peter S. Vincent  
Principal Legal Advisor  
U.S. Immigration and Customs Enforcement

FROM:

Jeffrey S. Blumberg   
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor  
Office of General Counsel

SUBJECT:

Complaint No. 11-06-ICE-0170

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that U.S. Immigration and Customs Enforcement (ICE) has violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to ICE for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaint within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

*CRCL authorities.* Under 6 U.S.C. § 345 and 42 U.S.C. § 2000cc-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

*Protected by Attorney-Client and Deliberative Process Privileges*



*Access to information.* More particularly, 42 U.S.C. § 2000cc-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

*Reprisals forbidden.* In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

*Privilege and required transparency.* Our communications with ICE personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact Senior Policy Advisor (b)(6) by phone at 202-357-(b)(6) 866-644-8360 (TTY), or by email at (b)(6)@dhs.gov.

Copies to:

(b)(6),(b)(7)(C)  
Regional Operations Manager, Investigative Support Unit  
Office of Professional Responsibility  
U.S. Immigration and Customs Enforcement  
(b)(6),(b)(7)(C)@dhs.gov

*Protected by Attorney-Client and Deliberative Process Privileges*

(b)(6),(b)(7)(C)

Office of Professional Responsibility  
U.S. Immigration and Customs Enforcement

(b)(6),(b)(7)(C)@dhs.gov

Enclosures

*Protected by Attorney-Client and Deliberative Process Privileges*

(b)(6)

**From:** Blumberg, Jeffrey  
**Sent:** Friday, April 22, 2011 5:21 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** Re: Complaint Inquiry

Let's discuss on Monday. (b)(5)

Thanks and have a good weekend.

Jeff

**From:** (b)(6)  
**Sent:** Friday, April 22, 2011 10:02 AM  
**To:** Blumberg, Jeffrey; (b)(6)  
**Cc:** (b)(6)  
**Subject:** FW: Complaint Inquiry

Hi Jeff and (b)(6)

What is the protocol on an email like the one below? Can I just call the guy? Is there some formal way for the office to respond?

(b)(5)

Please advise, and I'll follow up however you indicate.

Tom

**From:** CRCL  
**Sent:** Friday, April 22, 2011 9:45 AM  
**To:** (b)(6)  
**Cc:**  
**Subject:** FW: Complaint Inquiry

Hello (b)(6)

The following correspondence is in reference to Complaint # 11-06-ICE-0170, which according to Entellitrak, is assigned to you. I will save the below correspondence and upload it to Entellitrak.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357- (b)(6) phone)

## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: Contact-ICE-11-0519 11-06-ICE-0170 (b)(6)

| Data Object  | Date             | Event  | Field                  | New Value                                                                                                                                                                                                                                     | Tracking Id | User   | Reason      |
|--------------|------------------|--------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------------|
| DhsComplaint | 2011-03-30 12:03 | Create | Entry Date             | 03/30/2011                                                                                                                                                                                                                                    | 7287        | (b)(6) | User Change |
| DhsComplaint | 2011-03-30 12:03 | Create | Method of Receipt      | Email                                                                                                                                                                                                                                         | 7287        |        | User Change |
| DhsComplaint | 2011-03-30 12:03 | Create | Sender Type            | NGO/Organization                                                                                                                                                                                                                              | 7287        |        | User Change |
| DhsComplaint | 2011-03-30 12:03 | Create | Date on Correspondence | 03/29/2011                                                                                                                                                                                                                                    | 7287        |        | User Change |
| DhsComplaint | 2011-03-30 12:03 | Create | Date to DHS            | 03/29/2011                                                                                                                                                                                                                                    | 7287        |        | User Change |
| DhsComplaint | 2011-03-30 12:03 | Create | Date to CRCL           | 03/29/2011                                                                                                                                                                                                                                    | 7287        |        | User Change |
| DhsComplaint | 2011-03-30 12:03 | Create | Days to Process        | 1                                                                                                                                                                                                                                             | 7287        |        | User Change |
| DhsComplaint | 2011-03-30 12:03 | Create | Allegation             | (CR/CL) Civil Rights/Civil Liberty                                                                                                                                                                                                            | 7287        |        | User Change |
| DhsComplaint | 2011-03-30 12:03 | Create | Executive Summary      | On March 29, 2011, CRCL was cc'd email correspondence from Mr. (b)(6) of Council on American-Islamic Relations (CAIR), on behalf of Mr. (b)(6) a delivery person for a pizza restaurant in Meriden, Connecticut. Allegedly, on March 8, 2011, | 7287        |        | User Change |
| DhsComplaint | 2011-03-30 12:03 | Create | Summary                | On March 29, 2011, CRCL was cc'd email correspondence from Mr. (b)(6) of Council on American-Islamic Relations (CAIR), on behalf of Mr. (b)(6) a delivery person for a pizza restaurant in Meriden, Connecticut. Allegedly, on March 8, 2011, | 7287        |        | User Change |
| DhsComplaint | 2011-03-30 12:03 | Create | Component Referenced   | DHS                                                                                                                                                                                                                                           | 7287        | (b)(6) | User Change |
| DhsComplaint | 2011-04-04       | Update | Days to Process        | 6                                                                                                                                                                                                                                             | 7287        |        | User Change |

DHS-004-0000308

|                    |                                     |                         |                                                                                                                                                                                                                                               |        |        |                |
|--------------------|-------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|----------------|
| DhsComplaint       | 09:12<br>2011-04-04 Update<br>09:12 | Component<br>Referenced | ICE                                                                                                                                                                                                                                           | 7287   | (b)(6) | User<br>Change |
| DhsComplaint       | 09:12<br>2011-04-04 Update<br>09:12 | Summary                 | On March 29, 2011, CRCL was cc'd email correspondence from Mr. (b)(6) of Council on American-Islamic Relations (CAIR), on behalf of Mr. (b)(6) a delivery person for a pizza restaurant in Meriden, Connecticut. Allegedly, on March 8, 2011, | 7287   | (b)(6) | User<br>Change |
| DhsComplaintAction | 09:13<br>2011-04-04 Create<br>09:13 | Action                  | Open a Complaint                                                                                                                                                                                                                              | 104356 | (b)(6) | User<br>Change |
| DhsComplaintAction | 09:13<br>2011-04-04 Create<br>09:13 | Action Date             | 04/04/2011                                                                                                                                                                                                                                    | 104356 | (b)(6) | User<br>Change |
| DhsComplaintAction | 09:14<br>2011-04-04 Create<br>09:14 | Action                  | Sent to IG                                                                                                                                                                                                                                    | 104357 | (b)(6) | User<br>Change |
| DhsComplaintAction | 09:14<br>2011-04-04 Create<br>09:14 | Action Date             | 04/04/2011                                                                                                                                                                                                                                    | 104357 | (b)(6) | User<br>Change |
| DhsComplaintAction | 09:40<br>2011-04-04 Create<br>09:40 | Action                  | Acknowledgement Letter Sent                                                                                                                                                                                                                   | 104358 | (b)(6) | User<br>Change |
| DhsComplaintAction | 09:40<br>2011-04-04 Create<br>09:40 | Document                | 3.29.2011 11-06-ICE-0170 (email).pdf                                                                                                                                                                                                          | 104358 | (b)(6) | User<br>Change |
| DhsComplaintAction | 09:40<br>2011-04-04 Create<br>09:40 | Action Date             | 04/04/2011                                                                                                                                                                                                                                    | 104358 | (b)(6) | User<br>Change |
| DhsComplaintAction | 11:53<br>2011-04-06 Delete<br>11:53 |                         |                                                                                                                                                                                                                                               | 104358 | (b)(6) | User<br>Change |
| DhsComplaintAction | 11:53<br>2011-04-06 Create<br>11:53 | Action Date             | 04/06/2011                                                                                                                                                                                                                                    | 104404 | (b)(6) | User<br>Change |
| DhsComplaintAction | 11:53<br>2011-04-06 Create<br>11:53 | Action                  | IG Declines/Back from IG                                                                                                                                                                                                                      | 104404 | (b)(6) | User<br>Change |
| DhsComplaintAction | 11:53<br>2011-04-06 Create<br>11:53 | Document                | 11-06-ICE-0170 (OIG Response 4.6.2011).pdf                                                                                                                                                                                                    | 104404 | (b)(6) | User<br>Change |
| DhsComplaintAction | 11:53<br>2011-04-06 Create<br>11:53 | Action Date             | 04/06/2011                                                                                                                                                                                                                                    | 104405 | (b)(6) | User<br>Change |
| DhsComplaintAction | 11:53<br>2011-04-06 Create<br>11:53 | Action                  | Awaiting Recommendation                                                                                                                                                                                                                       | 104405 | (b)(6) | User<br>Change |
| DhsComplaintAction | 11:45<br>2011-04-12 Create<br>11:45 | Action Date             | 04/12/2011                                                                                                                                                                                                                                    | 104438 | (b)(6) | User<br>Change |
| DhsComplaintAction | 04-12<br>2011- Create<br>04-12      | Action                  | Recommendation Review                                                                                                                                                                                                                         | 104438 | (b)(6) | User<br>Change |

|                    |                  |        |                    |                                                                                                                                                                                                                                                            |        |                    |
|--------------------|------------------|--------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------|
|                    | 11:45            |        |                    |                                                                                                                                                                                                                                                            |        |                    |
| DhsComplaintAction | 2011-04-12 11:45 | Create | Primary Assignment | (b)(6)                                                                                                                                                                                                                                                     | 104439 | (b)(6) User Change |
| DhsComplaintAction | 2011-04-12 11:45 | Create | Action Date        | 04/12/2011                                                                                                                                                                                                                                                 | 104439 | User Change        |
| DhsComplaintAction | 2011-04-12 11:45 | Create | Action             | Back from Officer                                                                                                                                                                                                                                          | 104439 | User Change        |
| DhsComplaintAction | 2011-04-12 11:45 | Create | Comments           | short form                                                                                                                                                                                                                                                 | 104439 | User Change        |
| DhsComplaintAction | 2011-05-11 17:48 | Create | Action             | Notes                                                                                                                                                                                                                                                      | 104944 | User Change        |
| DhsComplaintAction | 2011-05-11 17:48 | Create | Action Date        | 05/11/2011                                                                                                                                                                                                                                                 | 104944 | User Change        |
| DhsComplaintAction | 2011-05-11 17:48 | Create | Comments           | (b)(5)                                                                                                                                                                                                                                                     | 104944 | User Change        |
| DhsComplaintAction | 2011-06-03 13:53 | Create | Document           | CRCL Referral Assistance Form Complaint No. 11-06-ICE-0170.pdf                                                                                                                                                                                             | 105140 | User Change        |
| DhsComplaintAction | 2011-06-03 13:53 | Create | Action Date        | 06/03/2011                                                                                                                                                                                                                                                 | 105140 | User Change        |
| DhsComplaintAction | 2011-06-03 13:53 | Create | Action             | Referred                                                                                                                                                                                                                                                   | 105140 | User Change        |
| DhsComplaintAction | 2012-09-26 16:56 | Create | Action Date        | 09/26/2012                                                                                                                                                                                                                                                 | 108430 | User Change        |
| DhsComplaintAction | 2012-09-26 16:56 | Create | Document           | CRCL 11-06-ICE-0170 Close Letter.pdf                                                                                                                                                                                                                       | 108430 | User Change        |
| DhsComplaintAction | 2012-09-26 16:56 | Create | Action             | Closed - Referred/No Further Action                                                                                                                                                                                                                        | 108430 | User Change        |
| DhsComplaintAction | 2012-09-26 16:56 | Create | Internal Summary   | On March 29, 2011, CRCL received a complaint from (b)(6) (b)(6) Executive Director of the Connecticut Chapter of the Council on American-Islamic Relations, regarding DHS operations in Meriden, Connecticut, related to (b)(6) (b)(6) The complaint alleg | 108430 | User Change        |
|                    |                  |        |                    | On March 29, 2011, CRCL received a complaint from an advocacy group regarding DHS                                                                                                                                                                          |        |                    |

|                      |                  |        |                   |                                                                                                                                                                            |        |        |             |
|----------------------|------------------|--------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
| DhsComplaintAction   | 2012-09-26 16:56 | Create | Reporting Summary | operations in Meriden, Connecticut, related to the complainant. The complaint alleged that the complainant was pulled over by two unmarked ICE vehicles. Subsequently, ICE | 108430 | (b)(6) | User Change |
| DhsComplaintDocument | 2012-05-16 10:14 | Create | Document 1        | AIR closing report.out                                                                                                                                                     | 86699  | (b)(6) | User Change |
| DhsComplaintDocument | 2012-05-16 10:14 | Create | Document 2        | Exhibit__Portfolio.pdf                                                                                                                                                     | 86699  | (b)(6) | User Change |
| DhsComplaintDocument | 2012-05-16 10:14 | Create | Foreign Language  | No                                                                                                                                                                         | 86699  | (b)(6) | User Change |
| DhsComplaintDocument | 2012-05-16 10:14 | Create | Dateentered       | 05/16/2012                                                                                                                                                                 | 86699  | (b)(6) | User Change |
| DhsComplaintDocument | 2012-05-16 10:14 | Create | Document Type     | ROI                                                                                                                                                                        | 86699  | (b)(6) | User Change |
| DhsComplaintDocument | 2012-09-26 16:50 | Create | Document 1        | CRCL 11-06-ICE-0170 Close Letter.pdf                                                                                                                                       | 87964  | (b)(6) | User Change |
| DhsComplaintDocument | 2012-09-26 16:50 | Create | Foreign Language  | No                                                                                                                                                                         | 87964  | (b)(6) | User Change |
| DhsComplaintDocument | 2012-09-26 16:50 | Create | Dateentered       | 09/26/2012                                                                                                                                                                 | 87964  | (b)(6) | User Change |
| DhsComplaintDocument | 2012-09-26 16:50 | Create | Document Type     | Closed Letter                                                                                                                                                              | 87964  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-03 13:50 | Create | Dateentered       | 06/03/2011                                                                                                                                                                 | 84085  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-03 13:50 | Create | Document 1        | CRCL Referral Letter Complaint No. 11-06-ICE-0170.pdf                                                                                                                      | 84085  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-03 13:50 | Create | Document Type     | Referral Letter                                                                                                                                                            | 84085  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-03 13:50 | Create | Foreign Language  | No                                                                                                                                                                         | 84085  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-03 13:50 | Create | Dateentered       | 06/03/2011                                                                                                                                                                 | 84086  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-03 13:50 | Create | Document 1        | CRCL Referral Memo Complaint No. 11-06-ICE-0170.pdf                                                                                                                        | 84086  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-03 13:50 | Create | Document Type     | Referral Memo                                                                                                                                                              | 84086  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-03 13:50 | Create | Foreign Language  | No                                                                                                                                                                         | 84086  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-22       | Create | Document Type     | Incoming Letter                                                                                                                                                            | 83468  | (b)(6) | User        |

DHS-004-0000311

|                      |                  |        |                  |                                                                                                                   |       |  |        |             |
|----------------------|------------------|--------|------------------|-------------------------------------------------------------------------------------------------------------------|-------|--|--------|-------------|
|                      | 09:47            |        |                  |                                                                                                                   |       |  | (b)(6) | Change      |
| DhsComplaintDocument | 2011-04-22 09:47 | Create | Document 1       | 4 21 2011 (b)(6) Attorney Office email (11-06-ICE-0170).pdf                                                       | 83468 |  |        | User Change |
| DhsComplaintDocument | 2011-04-22 09:47 | Create | Dateentered      | 04/22/2011                                                                                                        | 83468 |  |        | User Change |
| DhsComplaintDocument | 2011-04-22 09:47 | Create | Foreign Language | No                                                                                                                | 83468 |  |        | User Change |
| DhsComplaintDocument | 2011-04-22 09:47 | Update | Document Type    | Miscellaneous Material/Other                                                                                      | 83468 |  |        | User Change |
| DhsComplaintDocument | 2011-04-25 13:28 | Update | Document 2       | 3 30 2011 (b)(6) CAIR email to DOJ.pdf                                                                            | 83103 |  |        | User Change |
| DhsComplaintDocument | 2011-05-11 15:50 | Update | Document 2       | (b)(6) 11-06-ICE-0170, Email from CT USAO 4-22-11.pdf                                                             | 83468 |  |        | User Change |
| DhsComplaintDocument | 2011-04-06 11:54 | Create | Document Type    | Acknowledgement Letter                                                                                            | 83273 |  |        | User Change |
| DhsComplaintDocument | 2011-04-06 11:54 | Create | Foreign Language | No                                                                                                                | 83273 |  |        | User Change |
| DhsComplaintDocument | 2011-04-06 11:54 | Create | Document 1       | 3.29.2011 11-06-ICE-0170 (email).pdf                                                                              | 83273 |  |        | User Change |
| DhsComplaintDocument | 2011-04-06 11:54 | Create | Dateentered      | 04/06/2011                                                                                                        | 83273 |  |        | User Change |
| DhsComplaintDocument | 2011-04-01 11:11 | Create | Dateentered      | 04/01/2011                                                                                                        | 83163 |  |        | User Change |
| DhsComplaintDocument | 2011-04-01 11:11 | Create | Foreign Language | No                                                                                                                | 83163 |  |        | User Change |
| DhsComplaintDocument | 2011-04-01 11:11 | Create | Document 1       | 3 29 2011 (b)(6) via CAIR DOJ email to CRCL.pdf                                                                   | 83163 |  |        | User Change |
| DhsComplaintDocument | 2011-04-01 11:11 | Create | Document Type    | Incoming Letter                                                                                                   | 83163 |  |        | User Change |
| DhsComplaintDocument | 2011-04-01 11:11 | Create | Comments         | DOJ Civil Rights Division email forwarding to CRCL the 3/29/2011 email DOJ received from CAIR on behalf of (b)(6) | 83163 |  |        | User Change |
| DhsComplaintDocument | 2011-04-04 15:25 | Create | Dateentered      | 04/04/2011                                                                                                        | 83216 |  |        | User Change |
| DhsComplaintDocument | 2011-04-04 15:25 | Create | Foreign Language | No                                                                                                                | 83216 |  |        | User Change |
| DhsComplaintDocument | 2011-04-04 15:25 | Create | Document 1       | 4 1 2011 (b)(6) CRCL-DOJ email exchange (including USAO Dist of CT).pdf                                           | 83216 |  |        | User Change |



|                      |                  |        |                     |                                            |       |        |             |
|----------------------|------------------|--------|---------------------|--------------------------------------------|-------|--------|-------------|
| DhsComplaintDocument | 2011-04-04 15:25 | Create | Document Type       | Miscellaneous Material/Other               | 83216 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-04 15:25 | Create | Comments            | (b)(5),(b)(6)                              | 83216 |        | User Change |
| DhsComplaintDocument | 2011-04-04 16:02 | Create | Dateentered         | 04/04/2011                                 | 83225 |        | User Change |
| DhsComplaintDocument | 2011-04-04 16:02 | Create | Foreign Language    | No                                         | 83225 |        | User Change |
| DhsComplaintDocument | 2011-04-04 16:02 | Create | Document 1          | 11-06-ICE-0170 Complaint Summary Form.docx | 83225 |        | User Change |
| DhsComplaintDocument | 2011-04-04 16:02 | Create | Document Type       | Miscellaneous Material/Other               | 83225 |        | User Change |
| DhsComplaintDocument | 2011-04-05 16:29 | Create | Dateentered         | 04/05/2011                                 | 83250 |        | User Change |
| DhsComplaintDocument | 2011-04-05 16:29 | Create | Foreign Language    | No                                         | 83250 |        | User Change |
| DhsComplaintDocument | 2011-04-05 16:29 | Create | Document 1          | (b)(6) Encounters Record A098-372-615.pdf  | 83250 |        | User Change |
| DhsComplaintDocument | 2011-04-05 16:29 | Create | Document Type       | Miscellaneous Material/Other               | 83250 |        | User Change |
| DhsComplaintDocument | 2011-03-30 12:05 | Create | Dateentered         | 03/30/2011                                 | 83103 |        | User Change |
| DhsComplaintDocument | 2011-03-30 12:05 | Create | Foreign Language    | No                                         | 83103 |        | User Change |
| DhsComplaintDocument | 2011-03-30 12:05 | Create | Document 1          | 3 29 2011 (b)(6).pdf                       | 83103 |        | User Change |
| DhsComplaintDocument | 2011-03-30 12:05 | Create | Document Type       | Incoming Letter                            | 83103 |        | User Change |
| DhsComplaintIssue    | 2011-03-30 12:08 | Create | Redirect to Subject | No                                         | 12662 |        | User Change |
| DhsComplaintIssue    | 2011-03-30 12:08 | Create | (b)(5)              | (b)(5)                                     | 12662 |        | User Change |
| DhsComplaintIssue    | 2011-03-30 12:08 | Create | Ongoing             | No                                         | 12662 |        | User Change |

|                             |                  |        |                    |                                       |       |        |             |
|-----------------------------|------------------|--------|--------------------|---------------------------------------|-------|--------|-------------|
| DhsComplaintIssue           | 2011-03-30 12:08 | Create | City               | Meriden                               | 12662 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-03-30 12:08 | Create | State              | Connecticut - CT                      | 12662 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-03-30 12:08 | Create | Incident Date      | 03/08/2011                            | 12662 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-03-30 12:08 | Create | Primary Issue      | Yes                                   | 12662 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-09-23 12:02 | Update | Situation          | DHS law enforcement activity          | 12662 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-09-23 12:02 | Update | (b)(5)             | (b)(5)                                | 12662 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | City               | Hartford                              | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Alt Phone          | 860 (b)(6)                            | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | State              | Connecticut - CT                      | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Prefix             | Mr                                    | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Address Line 1     | (b)(6)                                | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Contact Type       | Sender                                | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Other Organization | Council on American-Islamic Relations | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Phone              | 860 (b)(6)                            | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Last Name          | (b)(6)                                | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Email              | (b)(6)@CAIR.com                       | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | First Name         | (b)(6)                                | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Zip Code           | 06103                                 | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Organization       | Other                                 | 21187 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Prefix             | Mr                                    | 21188 | (b)(6) | User Change |

|                             |                  |        |              |              |       |        |             |
|-----------------------------|------------------|--------|--------------|--------------|-------|--------|-------------|
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Contact Type | On Behalf Of | 21188 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | Last Name    | (b)(6)       | 21188 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-03-30 12:07 | Create | First Name   | (b)(6)       | 21188 | (b)(6) | User Change |

**From:** (b)(6)  
**To:**  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-06-ICE-0194  
**Date:** Monday, April 25, 2011 2:55:44 PM

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6)@dhs.gov]  
**Sent:** Monday, April 18, 2011 6:15 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** CRCL Complaint Number 11-06-ICE-0194

(b)(6)

Summary of new complaint for your review:

On March 31, 2011, DHS Exec Sec received correspondence from Congressman Dale Kildee on behalf of constituent (b)(6) referring complaint written by Ms. (b)(6) Mrs. (b)(6) also directly emailed her correspondence to CRCL on March 24, 2011 and faxed her correspondence to CRCL on March 31, 2011.

Allegedly, on March 24, 2011 at approximately 8:15 am, ICE agents visited her daughter's home stating that Mrs. (b)(6) husband was guilty of trafficking child pornography contraband, then the agents visited Ms. (b)(6) and searched computers belonging to her and her husband. Mrs. (b)(6) states that the agents did not find any contraband and request that the ICE agents apologize to her husband and daughter (unnamed in the correspondence). In a Privacy Release Form, dated April 6, 2011, that Ms. (b)(6) provided to Congressman Kildee to authorize him to release information to DHS regarding her complaint, Ms. (b)(6) states that ICE agents had no search warrant, no evidence of wrongdoing, and no reasonable suspicion for those searches.

Thank you.

(b)(6)

Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

202-357-(b)(6)

(b)(6)@hq.dhs.gov

**From:** (b)(6) (b)(6)  
**Sent:** Thursday, March 24, 2011 5:29 PM  
**To:** CRCL  
**Subject:** complaint agasint Michigan Homeland Security ICE agents

**Categories:** Printed



**Department of Homeland Security (DHS)**  
**Office for Civil Rights and Civil Liberties**

U.S. Department of Homeland Security

*Editable Version last modified 12/13/2010*

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

*This form is to be used to file a complaint with CRCL. It is not to be used to file a complaint with the Department of Homeland Security or the Department of Justice. It is not to be used to file a complaint with the Department of Homeland Security or the Department of Justice. It is not to be used to file a complaint with the Department of Homeland Security or the Department of Justice.*

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin, religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see [http://www.dhs.gov/eis](#).)
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women's Act confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

**Notes on Confidentiality and Anonymity:**

- A)** You may remain anonymous by not listing your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B)** Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. **IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct). Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.**
- ☐ **I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.**

*Please print or type your name and address below.*

**I. Information about the person who experienced the civil rights/civil liberties violation**

1. Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information \_\_\_\_\_

2. Are you filling in this complaint form on behalf of another individual? If yes, please provide *your* information

Name (b)(6)

First

Last

Middle

Organization (if any)

Phone # Cell

Home

Work

Mailing Address (b)(6) Midington, MI 48374

City

State Zip

City

State

Zip

3. What happened? Describe your complaint. Give as much detail about your experience as possible.

Agents from Michigan's Homeland Security office wasted our time this morning, cost my husband a day of work searched our computer for "contraband" - which after they'd already been here an hour we learn is child pornography. They found NOTHING, no surprises there, nothing to find, no laws broken, however that did not stop them from first going to my daughter's home - scaring her to death and putting her into a breakdown. They told her my husband was guilty - not suspected, not accused, not being investigated - GUILTY of trafficking in child internet pornography. Further they informed her that our grandson can have no contact with my husband, that the child can no longer get off the bus at our home, that they would be reporting the child's contact with my husband to the local school district and to child protective services. Homeland Security has no case against us we have NEVER dealt in child pornography, they have no right to threaten my daughter and had NO right whatsoever to go to her home and inform her that my husband was guilty of a crime they had not even investigated yet. They had no right to threaten her with child protective services investigation, no right to contact the local school district. Homeland Security is guilty of slander, intimidation, coercion, and defamation of character. I have filed a complaint with the ACLU, my congressmen, senators, attorney general and the white house. I will keep complaining until my daughter and my husband both receive apologies. These agents had no right to go to my daughter's home and spread lies, no right to scare my grandson, no right to threaten my rights as a grandparent nor my husband's. I have called the published number for the Detroit office only to reach the private cell phone belonging to another agent who first hung up on me, then laughed at my complaint during my second call, now will not answer my calls and did not bother to have "someone" call me back. This is the most unprofessional branch of government in existence. I am still mortified that it required 4 agents and 2 vehicles to question my husband and myself, what a total WASTE of tax payer dollars and to imply that this has something to do with identity theft and how I should check our credit cards and credit score. Well I did and obviously it's not identity theft and obviously the agents had no idea what they were looking for nor did they have any respect for private citizens or their rights or due process or civil rights. I am furious that these men believe they can threaten

**When did this happen? If ongoing, please indicate when the problem began.**

*(If it happened on more than one date, list all dates.)*

02/24/2011 this morning about 8:15am when we returned from having blood drawn for upcoming doctor's appointment. I have no idea if this is "ongoing" since they failed to find any evidence against us and I have no idea when it began, however my complaint is just starting

**Where did this happen?**

Place (for example, name the detention facility, airport, other) at MY private residence, (b)(6)

City Milwaukee

State or Country WI 53246

**4 Who treated you unfairly?**

An employee, contractor, or officer of (check as many as apply)

- |                                                                               |                                                                       |
|-------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> Citizenship and Immigration Services (USCIS)         | <input type="checkbox"/> Other DHS program (specify) _____            |
| <input type="checkbox"/> Customs and Border Protection (CBP)                  |                                                                       |
| <input type="checkbox"/> Customs Officer                                      | <input type="checkbox"/> Not sure which DHS office                    |
| <input type="checkbox"/> Border Patrol Agent                                  | <input type="checkbox"/> Non-DHS employee working under the authority |
| <input type="checkbox"/> Federal Emergency Management Agency (FEMA)           | of DHS (e.g., 287g officer);                                          |
| <input checked="" type="checkbox"/> Immigration and Customs Enforcement (ICE) | specify _____                                                         |
| <input type="checkbox"/> Secret Service (USSS)                                |                                                                       |
| <input type="checkbox"/> Transportation Security Administration (TSA)         |                                                                       |
| <input type="checkbox"/> U.S. Coast Guard (USCG)                              |                                                                       |

If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to [www.dhs.gov/trip](http://www.dhs.gov/trip).

**⑤ List anyone else who may have seen or heard what happened.**

*(If you do not know their names, provide whatever details you can)*

Names (or other information, e.g., agency) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone No. \_\_\_\_\_ Email \_\_\_\_\_

Names (or other information, e.g., agency) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone No. \_\_\_\_\_ Email \_\_\_\_\_

*Continue on an additional page, if needed*



**10 Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?**

☒ **Yes:** Agency/Office/Court U.S. Customs and Border Protection, CBP, I-95, I-495 Date: 10/24/11

☐ **No**

**If so, has anyone responded to your complaint?**

☐ **Yes** ☒ **No**

If Yes, describe what has been done to respond to your complaint:

*Continue on an additional page, if needed*

**11 Is there any other information you want us to know about or consider?**

My grandson is 5 years old, he did not need to be awoken by Homeland Security agents pounding on the door of his home. His home was not being investigated. He is a child and Homeland Security has no right to say he can not visit his grandparents home. They have no right to terrify him or threaten his mother to the point where she is now pulling him out of the public schools. Homeland Security is depriving my grandson of an education with their unlawful threats and inappropriate behavior.

*Continue on an additional page, if needed*

8. If you are not proficient in English, please indicate the language in which you prefer we communicate with you.

9. If you have problems understanding this form or any other question, contact CRCL:

|                                                           |                                                                                                                                           |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| E-mail                                                    | By U.S. Postal Service                                                                                                                    |
| Phone: Local 202-401-1474 or<br>Toll Free 800-644-8900    | Department of Homeland Security<br>CRCL Compliance Branch<br>245 Murray Lane, SW<br>Building 410, Mail Stop #0100<br>Washington, DC 20528 |
| TTY: Local TTY 202-401-1470<br>Toll Free TTY 800-644-8901 |                                                                                                                                           |
| Fax: 202-401-4702                                         | Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.                                                |

10. Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals, put your name and the date of this complaint on each document (Fax to 202-401-4708 or email scans of your documents to [complaints@ice.dhs.gov](mailto:complaints@ice.dhs.gov) or mail to the address listed above.)

### Privacy Act Statement

Under 5 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to <http://www.dhs.gov/privacy>.

To learn more about the Privacy Act go to the Federal Information Center, <http://www.dhs.gov/privacy>.

(b)(6)

**From:** (b)(6)  
**Sent:** Thursday, March 31, 2011 3:28 PM  
**To:** CRCL  
**Subject:** FW: HEADS UP: CONGRESSIONAL Kildee re: Constituent complaint against ICE - [ESEC Workflow # 900643]  
**Attachments:** 900643 attachment 11-1469 Kildee 03.29.11.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

New Congressional correspondence forwarded to CRCL by DHS Exec Sec:

correspondence from Congressman Dale Kildee on behalf of constituent (b)(6) referring complaint written by Ms. (b)(6)

Thanks,

(b)(6)

-----Original Message-----

**From:** (b)(6)  
**Sent:** Thursday, March 31, 2011 3:24 PM  
**To:** Schlanger, Margo; Kessler, Tamara; Gersten, David; Blumberg, Jeffrey; (b)(6)  
(b)(6)  
**Cc:** (b)(6)  
**Subject:** HEADS UP: CONGRESSIONAL Kildee re: Constituent complaint against ICE - [ESEC Workflow # 900643]

The attached will be assigned to CRCL to reply direct once a release form has been obtained. No official deadline as of yet.

Sincerely,

(b)(6)

Correspondence Analyst  
U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
(202) (b)(6) Phone  
(202) (b)(6) Mobile  
(202) 357-1196 Fax

-----Original Message-----

**From:** (b)(6) [mailto:(b)(6)@dhs.gov]  
**Sent:** Thursday, March 31, 2011 3:14 PM  
**To:** CRCL Exec Sec  
**Subject:** Information Copy from (b)(6) for ESEC Workflow # 900643 (Contact 900643) (Intranet Quorum IMA002955896)

CRCL, FYI OLA is assisting us in obtaining privacy release for the constituent. Following that, the WF will be reassign to you for reply direct action. Thank you.  
<https://IQ.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID900643&iAccount=IQ>

**EDUCATION AND LABOR**  
**CHAIRMAN:** EARLY CHILDHOOD, ELEMENTARY  
 AND SECONDARY EDUCATION  
 HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

**CO-CHAIR:**  
 CONGRESSIONAL AUTOMOTIVE CAUCUS  
 CONGRESSIONAL NATIVE AMERICAN CAUCUS

**Congress of the United States**  
**House of Representatives**

**DALE E. KILDEE**  
 5TH DISTRICT, MICHIGAN

**NATURAL RESOURCES**  
 NATIONAL PARKS, FORESTS,  
 AND PUBLIC LANDS  
 FISHERIES, WILDLIFE AND OCEANS

March 29, 2011

To: Mr. Nelson Peacock  
 Acting Assistant Secretary for Legislative Affairs  
 Department of Homeland Security  
 301 7th Street, SW  
 Mail Stop 0501  
 Washington, DC 20528-0001

From: Congressman Dale E. Kildee  
 Attn: Barbara Donnelly  
 916 Washington Avenue, Suite 205  
 Bay City, MI 48708

Constituent: (b)(6)

I am faxing a complaint from (b)(6) regarding the recent visit to her home by ICE agents.

If you have any questions please contact me at 989 (b)(6) by fax at 989-891-0994 or via e-mail at (b)(6)@mail.house.gov.

Total Pages in Fax: 7

**Office of Legislative Affairs**

**MAR 29 2011**

2107 RAYBURN HOUSE OFFICE BUILDING  
 WASHINGTON, DC 20515-2200  
 (202) 225-3611  
 e-mail: dke@edemail.house.gov  
 website: www.house.gov/kildee

432 NORTH SAGINAW, SUITE 410  
 FLINT, MI 48532  
 (810) 239-1437  
 TOLL FREE TO FLINT OFFICE  
 1-800-862-2885

615 NORTH WASHINGTON AVENUE  
 SUITE 401  
 SAGINAW, MI 48607  
 (989) 755-8904

816 WASHINGTON AVENUE, SUITE 205  
 BAY CITY, MI 48708  
 (989) 891-0994

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 2011 MAR 31 AM 9:47

Pat 3/24/11



**Department of Homeland Security (DHS)**  
**Office for Civil Rights and Civil Liberties**

**Civil Rights Complaint**

*Fileable Version (last modified 12/13/2010)*

**CRCL Mission:**

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin, religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see [www.dhs.gov/eso](http://www.dhs.gov/eso).)
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women's Act confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

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- ☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- ☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.

**Complaint Information**

For your convenience, CRCL has access to interpreters and can talk to you in any language.

**① Information about the person who experienced the civil rights/civil liberties violation**

(fill in what you can)

Name: (b)(6) (b)(6) Last  
 Phone #: Cell: 989 (b)(6) and 1000 Home: 989 (b)(6) Work: \_\_\_\_\_  
 Please note that we may contact you at the provided numbers  
 Mailing Address: (b)(6) Millington, MI 48748  
 Date of Birth: (b)(6) City: (b)(6) State: Zip: \_\_\_\_\_  
 Email (optional): (b)(6)  
 Alien Registration #: (if you have one and it's available): \_\_\_\_\_

1

\*96-R 000:300d

:DI

(b)(6)

FBI

MAR-29-2011 12:21PM

Mar 28 11 07:36a

(b)(6)

(b)(6)

p.2

☐ Check here if you are in detention now.

Which facility? \_\_\_\_\_

Facility name

Facility address

☐ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information \_\_\_\_\_

② Are you filling in this complaint form on behalf of another individual? If yes, please provide your information.

Name: (b)(6)

First

Last

Job title

Organization (if any): \_\_\_\_\_

Phone #: Cell: \_\_\_\_\_

Home: \_\_\_\_\_

Work: \_\_\_\_\_

Mailing Address: (b)(6) Wilmington, MI 46740

PO Box or Street address

City

State

Zip

③ What happened? Describe your complaint. Give as much detail about your experience as possible.

agents from Michigan's Homeland Security office wasted our time this morning, cost my husband a day of work, searched our computer for "contraband" - which after they'd already been here an hour we learn is child pornography. They found NOTHING, no surprises there, nothing to find, no laws broken, however that did not stop them from first going to my daughter's home, scaring her to death and putting her into a breakdown. They told her my husband was guilty - not suspected, not accused, not being investigated - GUILTY of trafficking in child internet pornography. Further they informed her that our grandson can have no contact with my husband, that the child can no longer get off the bus at our home, that they would be reporting the child's contact with my husband to the local school district and to child protective services. Homeland Security has no case against us, we have NEVER dealt in child pornography, they have no right to threaten my daughter and had NO right whatsoever to go to her home and inform her that my husband was guilty of a crime they had not even investigated yet. They had no right to threaten her with child protective services investigation, no right to contact the local school district. Homeland Security is guilty of slander, intimidation, coercion, and defamation of character. I have filed a complaint with the ACLU, my congressmen, senators, attorney general and the white house. I will keep complaining until my daughter and my husband both receive apologies. These agents had no right to go to my daughter's home and spread lies, no right to scare my grandson, no right to threaten my rights as a grandparent nor my husband's. I have called the published number for the Detroit office only to reach the private cell phone belonging to another agent who first hung up on me, then laughed at my complaint during my second call, now will not answer my calls and did not bother to have "someone" call me back. This is the most unprofessional branch of government in existence. I am still mortified that it required 4 agents and 2 vehicles to question my husband and myself, what a total WASTE of tax payer dollars and to imply that this has something to do with identity theft and how I should check our credit cards and credit score... well I did and obviously it's not identity theft and obviously the agents had no idea what they were looking for nor did they have any respect for private citizens or their rights or due process or civil rights. I am furious that these men believe they can threaten my daughter and my grandson.

2

P.3/12

(b)(6)

To:

(b)(6)

MAR-29-2011 11:09 FROM: JON DALE KILGEE

**When did this happen? If ongoing, please indicate when the problem began.**  
*(If it happened on more than one date, list all dates):*

03/24/2011 this morning about 8:15am when we returned from having blood drawn for upcoming doctor's appointment. I have no idea if this is "ongoing" since they failed to find any evidence against us and I have no idea when it began, however my complaint is just starting.

**Where did this happen?**

Place (for example, name the detention facility, airport, other): at MY private residence (b)(6)

City: Millington State or Country: MI 48746

**④ Who treated you unfairly?**

An employee, contractor, or officer of (check as many as apply):

- |                                                                               |                                                                       |
|-------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> Citizenship and Immigration Services (USCIS)         | <input type="checkbox"/> Other DHS program (specify): _____           |
| <input type="checkbox"/> Customs and Border Protection (CBP)*                 |                                                                       |
| <input type="checkbox"/> Customs Officer                                      | <input type="checkbox"/> Not sure which DHS office                    |
| <input type="checkbox"/> Border Patrol Agent                                  | <input type="checkbox"/> Non-DHS employee working under the authority |
| <input type="checkbox"/> Federal Emergency Management Agency (FEMA)           | of DHS (e.g. 287g officer)                                            |
| <input checked="" type="checkbox"/> Immigration and Customs Enforcement (ICE) | specify: _____                                                        |
| <input type="checkbox"/> Secret Service (USSS)                                |                                                                       |
| <input type="checkbox"/> Transportation Security Administration (TSA)*        |                                                                       |
| <input type="checkbox"/> U.S. Coast Guard (USCG)                              |                                                                       |

\*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: [www.dhs.gov/trip](http://www.dhs.gov/trip)

**⑤ List anyone else who may have seen or heard what happened.**  
*(If you do not know their names, provide whatever details you can)*

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

*Continue on an additional page, if needed.*

**⑥ Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?**

☒ **Yes: Agency/Office/Court** Wagon State Police, but they do not care and refused to send an officer. **Date:** 03/24/2011

☐ **No**

**If so, has anyone responded to your complaint?**

☐ **Yes** ☒ **No**

**If Yes, describe what has been done to respond to your complaint:**

*Continue on an additional page, if needed.*

**⑦ Is there any other information you want us to know about or consider?**

My grandson is 5 years old, he did not need to be awoken by Homeland Security agents pounding on the door of his home. His home was not being investigated. He is a child and Homeland Security has no right to say he can not visit his grandparents home. They have no right to terrify him or threaten his mother to the point where she is now pulling him out of the public schools. Homeland Security is depriving my grandson of an education with their unlawful threats and inappropriate behavior.

*Continue on an additional page, if needed.*



- ⑧ If you are not proficient in English, please indicate the language in which you prefer we communicate with you.

- ⑨ If you have problems understanding this form or any other question, contact CRCL:

Email: [CRCL@dhs.gov](mailto:CRCL@dhs.gov)  
 Phone: Local: 202-401-1474 or  
 Toll Free: 866-844-8360  
 TTY: Local TTY: 202-401-0470  
 Toll Free TTY: 866-844-8361  
 Fax: 202-401-4708

By U.S. Postal Service:  
 Department: U.S. Home and Security  
 CRCL/Compliance Branch  
 245 Murray Lane, SW  
 Building 413, Mail Stop #0180  
 Washington, DC 20528

Note: Because of security measures, it can take us to 4 weeks for us to receive U.S. mail.

- ⑩ Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to [CRCL@dhs.gov](mailto:CRCL@dhs.gov), or mail to the address listed above.)

**Keep a copy of this complaint for your records.**

#### Privacy Act Statement

Under 5 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to [www.dhs.gov/CRCL](http://www.dhs.gov/CRCL).

To learn more about the Privacy Act go to the Federal Information Center, [www.omb.eop.go.gov](http://www.omb.eop.go.gov).

## E-Mail Viewer

Message

Details

Attachments

Headers

Source

HTML

From: "webforms@kildceforms.house.gov" &lt;webforms@kildceforms.house.gov&gt;

Date: 3/24/2011 12:46:17 PM

To: (b)(6)@mail.house.gov&gt;

Cc:

Subject: Contact Form

&lt;APP&gt;CUSTOM

&lt;PREFIX&gt;Mrs.&lt;/PREFIX&gt;

&lt;FIRST&gt;(b)(6)&lt;/FIRST&gt;

&lt;MIDDLE&gt;(b)(6)&lt;/MIDDLE&gt;

&lt;LAST&gt;(b)(6)&lt;/LAST&gt;

&lt;ADDR1&gt;(b)(6)&lt;/ADDR1&gt;

&lt;CITY&gt;millington&lt;/CITY&gt;

&lt;STATE&gt;MI&lt;/STATE&gt;

&lt;ZIP&gt;48746&lt;/ZIP&gt;

&lt;PHONE&gt;(b)(6)&lt;/PHONE&gt;

&lt;EMAIL&gt;&lt;/EMAIL&gt;

&lt;ISSUE&gt;OTHER- NOT LISTED&lt;/ISSUE&gt;

<MSG>we just had homeland security in our home, accusing us of having "contraban"...an hour and a half later after going thru our computers, amazingly they could not find anything, NOTHING!! they were looking for child pornography. they showed up at our daughters, informed her that we were guilty of this crime BEFORE they came here, told her she could not allow our grandchildren contact with us or to be at our home - i watch them so she can work - told her that they had PROOF of this crime and that they were contacting the school AND reporting her to child protective services for investigation. We have done NOTHING wrong, have not committed any crime, they did not find evidence of any crime, told us to check our credit reports & credit card records and left! i have called the office in Detroit only to be hung up on and laughed at, no one returns my calls, yet my daughter is being investigated & i can not see my grandkids for what? Paying MY taxes?? for NOT breaking any

laws? i can not afford an attorney, i am on disability, i have contacted the ACLU and i want awnswers. what is wrong with these people? no proof of any crime yet we are guilty because they feel like costing us our slim life savings! we will loose everything in this i am certain, but most importantly we are being deprived of our grandchildren who are the only ones who matter in this whole twisted Homeland security fantasy. Our son is a senior in high school, what is this going to do to him when it's published in the local newspaper? Homeland security is ruining our lives and they do not care, they have no proof of anything, we did nothing and they have already destroyed our family for their own sick ammusment.</MSG>

&lt;/APP&gt;

Close

[http://mi05:800/ig/view\\_cml\\_2.aspx?rid=2366656&old=102957&did=&from\\_set=&from\\_...](http://mi05:800/ig/view_cml_2.aspx?rid=2366656&old=102957&did=&from_set=&from_...) 3/24/2011

P.7/12

(b)(6)

To

(b)(6)

MAR-29-2011 11:10 FROM: KILDEE

(b)(6)

---

**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Thursday, March 31, 2011 10:28 AM  
**To:** JOINT INTAKE  
**Cc:** CRCL; (b)(6),(b)(7)(C)  
**Subject:** Civil Rights Complaint  
**Attachments:** Civil Rights Complaint.pdf  
  
**Importance:** High

All,

On March 26, 2011, the FBI received a Department of Homeland Security (DHS) form that was to be directed to the Office for Civil Rights and Civil Liberties. On March 31, 2011, I was directed to send the attached complaint to the Joint Intake Center (JIC) and copy the Civil Rights and Civil Liberties (CRCL) unit. If you have any questions please feel free to contact me.

(b)(6),(b)(7)(C)

Assistant Special Agent in Charge  
Homeland Security Investigations  
Detroit, Michigan 48226  
Cell: 313-(b)(6),(b)(7)(C)  
Work: 313-

Email: (b)(6),(b)(7)(C)@DHS.gov

(b)(6)

**From:** (b)(6)  
**Sent:** Thursday, April 07, 2011 3:35 PM  
**To:** CRCL  
**Subject:** FW: CONGRESSIONAL Kildee re: Constituent complaint against ICE - DUE COB 4/19  
**Attachments:** CONGRESSIONAL Kildee re: Constituent complaint against ICE - DUE COB 4/19  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
**Categories:** Printed, Saved

Attached records for new Contact/Correspondence matter. Complainant name is (b)(6) Congressman Dale E. Kildee to DHS Office of Legislative Affairs wrote on behalf of Ms. (b)(6)

I have informed (b)(6) that I will take the lead on preparing a response letter.

Thanks,

(b)(6)

202-357- (b)(6)

(b)(6)@hq.dhs.gov

(b)(6)

**Subject:** CONGRESSIONAL Kildee re: Constituent complaint against ICE - DUE COB 4/19  
**Due Date:** Tuesday, April 19, 2011

**Status:** Not Started  
**Percent Complete:** 0%

**Total Work:** 0 hours  
**Actual Work:** 0 hours

**Owner:** (b)(6)  
**Requested By:** CRCL Exec Sec

-----  
**Lead:** Compliance (originally sent to Jeff, (b)(6))  
**Cc:** (b)(6) Tamara, David, Margo

Please let me know who will actually be leading this reply. The due date provided is an "internal" due date to allow sufficient time for CRCL clearance.



900643 attachment  
11-1469 Kild...



900643 attachment  
kildee Pr fo...

(b)(6)

-----Original Message-----

**From:** (b)(6)@dhs.gov  
**Sent:** Thursday, April 07, 2011 1:23 PM  
**To:** CRCL Exec Sec  
**Subject:** Workflow Routing Alert (Contact 900643) (Intranet Quorum IMA002964920)

User (b)(6) has queued the following Workflow for The Honorable Dale E. Kildee, People ID #7006096, to you and others with the Routing Note:

CRCL: Please see attachments 1 and 2 and reply direct by 4/21. Thanks.

<https://IQ.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID900643&iAccount=IQ>

-----Original Message-----

**From:** (b)(6)@dhs.gov  
**Sent:** Thursday, March 31, 2011 3:14 PM  
**To:** CRCL Exec Sec

Subject: Information Copy from Nenad Filipovic for ESEC Workflow # 900643 (Contact 900643) (Intranet Quorum IMA002955896)

CRCL, FYI OLA is assisting us in obtaining privacy release for the constituent. Following that, the WF will be reassign to you for reply direct action. Thank you.

<https://iq.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID900643&iAccount=IQ>

Apr 06 11 11 31a

(b)(6)

(b)(6)

p.1

ATTN:  
Barbara Donnelly  
Congressman Dale E. Kildee (ME-05)



Congress of the United States  
House of Representatives

(b)(6)

IE FORM

I, \_\_\_\_\_ (print your name)

File Number unknown - Homeland Security will NOT tell me!

Do hereby authorize Homeland Security  
to release all necessary and pertinent information to Congressman Dale E. Kildee and his  
staff regarding the matter described below. Please give a brief description of your request.  
Attach a second sheet if more space is needed.

March 24<sup>th</sup> 2011 when Homeland Security ICE  
agents first went to my daughter's home and told her  
AND her fiancé that my husband and I were "IN  
CUSTODY AND CHARGED with Child Pornography  
possession AND Distribution" and further informed  
them that they were being REPORTED to child protective  
services for allowing our grandson to have contact with us  
and visit our home. AFTER this Homeland Security Agents  
visited our home, entered it after I told them I didn't want  
them in my home, went thru our computer harddrive looking  
for contraband AND found NOTHING - wasted  
1/2 my day, cost my husband a day of work, and did  
all this in front of my son, one of his High School friends  
and our neighbors! No search warrant, no evidence of any  
wrong doing, no reasonable suspicion - this was a simple  
INVASION of our privacy, a violation of our civil rights  
AND flat out slander.

(b)(6)

Signed \_\_\_\_\_

Date 4-6-2011

ATE

Received

Office of Legislative Affairs

APR - 7 2011

P.11

(b)(6)

TO:

APR-07-2011 10:18 FROM:









**Homeland  
Security**

August 22, 2011

(b)(6)

Millington, Michigan 48746

Re: CRCL Complaint No. 11-06-ICE-0194

Dear Ms. (b)(6)

On March 31, 2011, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you, via the office of Congressman Dale E. Kildee, raising concerns about interactions your family had with Immigration and Customs Enforcement (ICE) in Michigan on March 24, 2011. Your complaint alleges that ICE agents told your daughter and her family that you and your husband were charged with the trafficking of child pornography. Additionally, your complaint alleges that ICE told your daughter that she would be reported to child protective services for allowing your husband to be a caretaker for her minor son. CRCL inquired with ICE regarding your allegations and ICE provided the response below.

ICE acknowledged visiting your home and the home of your daughter on March 24, 2011. They indicated that they interviewed your husband and also discussed issues related to risks of child endangerment with your daughter. Based upon our review of the ICE response, we are unable to substantiate your allegations. ICE's investigation into the allegations of trafficking in child pornography is ongoing.

To conclude, we believe that ICE has adequately addressed your concerns. If you continue to have concerns that involve civil rights or civil liberties, you may contact us at that time. We thank you again for your complaint; inquiries like this help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Blumberg".

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Copy to:

Congressman Dale E. Kildee  
U.S. House of Representatives  
927 Washington Avenue, Suite 205  
Bay City, Michigan 48708



Homeland  
Security

April 18, 2011

The Honorable Dale E. Kildee  
U.S. House of Representatives  
927 Washington Avenue, Suite 205  
Bay City, Michigan 48708

Attention: Barbara Donnelly

Re: DHS CRCL Complaint No. 11-06-ICE-0194

Dear Representative Kildee:

Thank you for your March 29, 2011 letter to the Acting Assistant Secretary for Legislative Affairs for the U.S. Department of Homeland Security (DHS), on behalf of your constituent, Ms. (b)(6). Your correspondence was referred to the DHS Office for Civil Rights and Civil Liberties (CRCL) for response. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. In her correspondence, Ms. (b)(6) alleges that U.S. Immigration and Customs Enforcement (ICE) personnel in Michigan engaged in improper actions during their visits to the homes of Ms. (b)(6) daughter and Ms. (b)(6) and her husband, on March 24, 2011.

Initially, CRCL will send Ms. (b)(6) complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into the concerns raised. CRCL will contact Ms. (b)(6) with the anticipated course of investigation for her complaint and will notify her of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on Ms. (b)(6) behalf. Instead, we use complaints like hers to find and address problems in DHS policy and its implementation. If Ms. (b)(6) believes her rights have been violated, she may wish to consult an attorney. There may be time limitations that govern how quickly she needs to act to protect her interests.

If Ms. (b)(6) has additional information that she would like CRCL to review, she may submit the information to CRCL by email at [crccl@dhs.gov](mailto:crccl@dhs.gov), by facsimile at 202-401-4708, or by U.S. mail to the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW, Bldg. 410, MS 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please see our website at <http://www.dhs.gov/crcl>. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Thank you for bringing this matter to our attention. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with Ms. Stolz to address her concerns. If you or Ms. Stolz have questions or concerns, please do not hesitate to contact me in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Copy to:

(b)(6)

Millington, Michigan 48746

#### **Privacy Act Statement**

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000cc-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to [www.dhs.gov/CRCL](http://www.dhs.gov/CRCL). To learn more about the Privacy Act, go to the Federal Information Center, [www.pueblo.gsa.gov](http://www.pueblo.gsa.gov).

(b)(6)

**From:** (b)(6)  
**Sent:** Thursday, May 12, 2011 4:14 PM  
**To:** Blumberg, Jeffrey  
**Cc:** Kessler, Tamara  
**Subject:** RE: Re: CRCL Complaint No. 11-06-ICE-0194  
**Attachments:** Kildee congressional.pdf; 900643 attachment kildee Pr form.pdf

**Importance:** High

Now that I have all the information, would you consider making this (b)(5)

(b)(5)

(b)(6)

Compliance Investigator  
U.S. Department of Homeland Security Headquarters  
Washington, DC  
(202) (b)(6) Office phone  
(202) (b)(6) BB phone (when on travel only)

**From:** (b)(6)  
**Sent:** Thursday, May 12, 2011 4:10 PM  
**To:** Kessler, Tamara; Blumberg, Jeffrey  
**Subject:** RE: Re: CRCL Complaint No. 11-06-ICE-0194

Ignore my earlier email. Not all the complaint attachments were uploaded to the system and the complaint file was missing from the storage room, so I did not have the complete story. I have since located those items. Thanks.

(b)(6)

Compliance Investigator  
U.S. Department of Homeland Security Headquarters  
Washington, DC  
(202) (b)(6) Office phone  
(202) (b)(6) BB phone (when on travel only)

**From:** (b)(6)  
**Sent:** Wednesday, May 11, 2011 2:57 PM  
**To:** Kessler, Tamara; Blumberg, Jeffrey  
**Subject:** Re: CRCL Complaint No. 11-06-ICE-0194

Tamara and Jeffrey –

(b)(5)

(b)(5)

(b)(6)

Compliance Investigator  
U.S. Department of Homeland Security Headquarters  
Washington, DC

(202) (b)(6) Office phone

(202) (b)(6) BB phone (when on travel only)

(b)(6)

**From:** (b)(6)  
**Sent:** Monday, April 18, 2011 8:53 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: CONGRESSIONAL Kildee re: Constituent complaint against ICE - DUE COB 4/19  
**Attachments:** 900643 attachment 11-1469 Kildee 03.29.11.pdf; 900643 attachment kildee Pr form.pdf

Good morning, (b)(6), (b)(7)(C)

Have you received any information on what action, if any, the JIC/ICE have taken on the attached matter? If not, can you please follow up at your earliest convenience?

The JIC received a copy of (b)(6) correspondence (completed on the CRCL Complaint Submission Form) on 3/31/2011 from (b)(6), (b)(7)(C) ASAC of ICE Homeland Security Investigations in Detroit. ASAC (b)(6), (b)(7)(C) said that the FBI had received the correspondence, and that she was directed on 3/31 to send it to the JIC with cc to CRCL.

I'm not sure if ICE also separately received a copy of the Congressional, from DHS Exec Sec or other sources.

Thanks,

(b)(6)

Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
202-357- (b)(6)  
(b)(6) @hq.dhs.gov

**From:** (b)(6)  
**Sent:** Thursday, April 14, 2011 6:20 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: CONGRESSIONAL Kildee re: Constituent complaint against ICE -

(b)(6), (b)(7)(C)

Attached is the correspondence about which I called you this afternoon. Based on the attached correspondence from Congressman Dale E. Kildee, referring a complaint made by Ms. (b)(6), can you please check whether ICE has received a copy of this correspondence (or any other correspondence regarding the same matter) and whether you have taken any action on it, and if so, what action has been taken?

(b)(5)

If there are any ICE OPR preliminary reports or other background information that you could share with me, that would also be helpful in helping CRCL determine how we choose to handle this matter.

Thanks,

(b)(6)

(b)(6)

Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

202-357- (b)(6)

(b)(6)@hq.dhs.gov

-----Original Message-----

From: (b)(6)@dhs.gov]

Sent: Thursday, April 07, 2011 1:23 PM

To: CRCL Exec Sec

Subject: Workflow Routing Alert (Contact 900643) (Intranet Quorum IMA002964920)

User (b)(6) has queued the following Workflow for The Honorable Dale E. Kildee, People ID #7006096, to you and others with the Routing Note:

CRCL: Please see attachments 1 and 2 and reply direct by 4/21. Thanks.

<https://IQ.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID900643&iAccount=IQ>

-----Original Message-----

From: (b)(6)@dhs.gov]

Sent: Thursday, March 31, 2011 3:14 PM

To: CRCL Exec Sec

Subject: Information Copy from (b)(6) for ESEC Workflow # 900643 (Contact 900643) (Intranet Quorum IMA002955896)

CRCL, FYI OLA is assisting us in obtaining privacy release for the constituent. Following that, the WF will be reassign to you for reply direct action. Thank you.

<https://IQ.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID900643&iAccount=IQ>



**From:** (b)(6)  
**To:** Blumberg, Jeffrey  
**Cc:** (b)(6)  
**Subject:** RE: Re: CRCL Complaint No. 11-026-ICE-0194  
**Date:** Monday, June 20, 2011 4:08:00 PM  
**Attachments:** 900643 attachment kildee Pr form.pdf  
Kildee Complaint Form.pdf  
Kildee congressional.pdf

**From:** Blumberg, Jeffrey  
**Sent:** Monday, June 20, 2011 4:05 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Re: CRCL Complaint No. 11-026-ICE-0194

(b)(6)

Can you forward the complaint? (b)(5)

(b)(6) (b)(5)

(b)(5)

Thanks,

Jeff

**From:** (b)(6)  
**Sent:** Monday, June 20, 2011 3:39 PM  
**To:** Blumberg, Jeffrey  
**Cc:** (b)(6)  
**Subject:** Re: CRCL Complaint No. 11-026-ICE-0194  
**Importance:** High

Jeffrey –

Attached is the close letter for the above-referenced complaint with congressional interest. Please

(b)(5)

(b)(5)

Since this is a congressional, we have a deadline to respond. Is this something we can get out this week, assuming that ICE approves the language? Thanks.

(b)(6)

(b)(6)

## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0574 11-06-ICE-0194 (b)(6) Congressman Dale Kildee

| Data Object  | Date             | Event  | Field                  | New Value                                                                                                                                                                                                                      | Tracking Id | User   | Reason      |
|--------------|------------------|--------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------------|
| DhsComplaint | 2011-04-08 09:40 | Create | Entry Date             | 04/08/2011                                                                                                                                                                                                                     | 7343        | (b)(6) | User Change |
| DhsComplaint | 2011-04-08 09:40 | Create | Method of Receipt      | Email                                                                                                                                                                                                                          | 7343        |        | User Change |
| DhsComplaint | 2011-04-08 09:40 | Create | Sender Type            | Exec Sec                                                                                                                                                                                                                       | 7343        |        | User Change |
| DhsComplaint | 2011-04-08 09:40 | Create | Control Number         | 900643                                                                                                                                                                                                                         | 7343        |        | User Change |
| DhsComplaint | 2011-04-08 09:40 | Create | Date on Correspondence | 03/24/2011                                                                                                                                                                                                                     | 7343        |        | User Change |
| DhsComplaint | 2011-04-08 09:40 | Create | Date to DHS            | 03/31/2011                                                                                                                                                                                                                     | 7343        |        | User Change |
| DhsComplaint | 2011-04-08 09:40 | Create | Date to CRCL           | 03/31/2011                                                                                                                                                                                                                     | 7343        |        | User Change |
| DhsComplaint | 2011-04-08 09:40 | Create | Date to Exec Sec       | 03/31/2011                                                                                                                                                                                                                     | 7343        |        | User Change |
| DhsComplaint | 2011-04-08 09:40 | Create | Date Due to Exec Sec   | 04/19/2011                                                                                                                                                                                                                     | 7343        |        | User Change |
| DhsComplaint | 2011-04-08 09:40 | Create | Days to Process        | 8                                                                                                                                                                                                                              | 7343        |        | User Change |
| DhsComplaint | 2011-04-08 09:40 | Create | Allegation             | (CR/CL) Civil Rights/Civil Liberty                                                                                                                                                                                             | 7343        | (b)(6) | User Change |
| DhsComplaint | 2011-04-08 09:40 | Create | Executive Summary      | On March 31, 2011, DHS Exec Sec received correspondence from Congressman Dale Kildee on behalf of constituent (b)(6) referring complaint written by Ms. (b)(6) Mrs. (b)(6) also directly emailed her correspondence to CRCL on | 7343        |        | User Change |

DHS-004-0000346

|                    |                  |        |                      |                                                                                                                                                                                                                                                                 |        |        |             |
|--------------------|------------------|--------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
|                    |                  |        |                      | March 24, 2011 and faxed                                                                                                                                                                                                                                        |        | (b)(6) |             |
| DhsComplaint       | 2011-04-08 09:40 | Create | Summary              | On March 31, 2011, DHS Exec Sec received correspondence from Congressman Dale Kildee on behalf of constituent (b)(6) referring complaint written by Ms. (b)(6) Mrs. (b)(6) also directly emailed her correspondence to CRCL on March 24, 2011 and faxed         | 7343   |        | User Change |
| DhsComplaint       | 2011-04-08 09:40 | Create | Component Referenced | ICE                                                                                                                                                                                                                                                             | 7343   |        | User Change |
| DhsComplaint       | 2011-04-18 18:13 | Update | Days to Process      | 18                                                                                                                                                                                                                                                              | 7343   |        | User Change |
| DhsComplaint       | 2011-04-18 18:13 | Update | Summary              | On March 31, 2011, DHS Exec Sec received correspondence from Congressman Dale Kildee on behalf of constituent (b)(6) referring complaint written by Ms. (b)(6) Mrs. (b)(6) also directly emailed her correspondence to CRCL on March 24, 2011 and faxed         | 7343   |        | User Change |
| DhsComplaintAction | 2011-04-18 13:37 | Create | Action Date          | 04/18/2011                                                                                                                                                                                                                                                      | 104539 |        | User Change |
| DhsComplaintAction | 2011-04-18 13:37 | Create | Action               | Open a Complaint                                                                                                                                                                                                                                                | 104539 |        | User Change |
| DhsComplaintAction | 2011-04-18 13:37 | Create | Comments             | Per Jeff on 4/18/2011, open as a short-form complaint assigned to (b)(6) Copy of incoming sent to (b)(6) on 4/18/2011.                                                                                                                                          | 104539 |        | User Change |
| DhsComplaintAction | 2011-08-22 11:23 | Create | Document             | CRCL Close Letter Complaint No 11-06-ICE-0194.pdf                                                                                                                                                                                                               | 105845 |        | User Change |
| DhsComplaintAction | 2011-08-22 11:23 | Create | Action               | Closed - Short Form/No Further Action                                                                                                                                                                                                                           | 105845 |        | User Change |
| DhsComplaintAction | 2011-08-22 11:23 | Create | Internal Summary     | On March 31, 2011, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you, via the office of Congressman Dale E. Kildee, raising concerns about interactions your family had with Immigration and Customs Enforcement (ICE) in Mi | 105845 |        | User Change |
| DhsComplaintAction | 2011-08-22 11:23 | Create | Reporting Summary    | On March 31, 2011, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you, via the office of Congressman Dale E. Kildee, raising concerns about interactions your family had with Immigration and Customs Enforcement (ICE) in Mi | 105845 |        | User Change |
| DhsComplaintAction | 2011-08-22 11:23 | Create | Action Date          | 08/22/2011                                                                                                                                                                                                                                                      | 105845 |        | User Change |

DHS-004-0000347

|                    |                  |        |                    |                                             |        |        |             |
|--------------------|------------------|--------|--------------------|---------------------------------------------|--------|--------|-------------|
| DhsComplaintAction | 2011-04-19 10:22 | Create | Action Date        | 04/18/2011                                  | 104540 | (b)(6) | User Change |
| DhsComplaintAction | 2011-04-19 10:22 | Create | Action             | Sent to IG                                  | 104540 | (b)(6) | User Change |
| DhsComplaintAction | 2011-04-26 15:11 | Create | Document           | 11-06-ICE-0194 (OIG Response 4.25.2011).pdf | 104649 | (b)(6) | User Change |
| DhsComplaintAction | 2011-04-26 15:11 | Create | Action Date        | 04/25/2011                                  | 104649 | (b)(6) | User Change |
| DhsComplaintAction | 2011-04-26 15:11 | Create | Action             | IG Declines/Back from IG                    | 104649 | (b)(6) | User Change |
| DhsComplaintAction | 2011-04-26 15:11 | Create | Action Date        | 04/25/2011                                  | 104651 | (b)(6) | User Change |
| DhsComplaintAction | 2011-04-26 15:11 | Create | Action             | Awaiting Recommendation                     | 104651 | (b)(6) | User Change |
| DhsComplaintAction | 2011-05-04 15:48 | Create | Action             | Recommendation Review                       | 104786 | (b)(6) | User Change |
| DhsComplaintAction | 2011-05-04 15:48 | Create | Action Date        | 05/04/2011                                  | 104786 | (b)(6) | User Change |
| DhsComplaintAction | 2011-05-04 15:48 | Create | Action             | Back from Officer                           | 104787 | (b)(6) | User Change |
| DhsComplaintAction | 2011-05-04 15:48 | Create | Primary Assignment | (b)(6)                                      | 104787 | (b)(6) | User Change |
| DhsComplaintAction | 2011-05-04 15:48 | Create | Action Date        | 05/04/2011                                  | 104787 | (b)(6) | User Change |
| DhsComplaintAction | 2011-05-04 15:48 | Create | Comments           | short form                                  | 104787 | (b)(6) | User Change |
| DhsComplaintAction | 2011-07-27 13:01 | Create | Action             | Short Form                                  | 105598 | (b)(6) | User Change |
| DhsComplaintAction | 2011-07-27       | Create | Comments           | (b)(5)                                      | 105598 | (b)(6) | User        |

DHS-004-0000348

|                      |                  |        |                  |                                                                                             |        |        |             |
|----------------------|------------------|--------|------------------|---------------------------------------------------------------------------------------------|--------|--------|-------------|
|                      | 13:01            |        |                  | (b)(5)                                                                                      |        | (b)(6) | Change      |
| DhsComplaintAction   | 2011-07-27 13:01 | Create | Action Date      | 07/27/2011                                                                                  | 105598 |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:41 | Create | Document 4       | Close Letter.doc                                                                            | 84642  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:41 | Create | Document 5       | Confirmation of consent form to (b)(6)                                                      | 84642  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:41 | Create | Dateentered      | 07/28/2011                                                                                  | 84642  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:41 | Create | Document 3       | (b)(5),(b)(6).pdf                                                                           | 84642  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:41 | Create | Document 2       | (b)(5),(b)(6).pdf                                                                           | 84642  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:41 | Create | Document Type    | Investigative Material                                                                      | 84642  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:41 | Create | Document 1       | JIC acknowledgement of case.htm                                                             | 84642  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:41 | Create | Foreign Language | No                                                                                          | 84642  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:41 | Create | Comments         | Submitted close letter to Jeffrey by email on 6/20/11. No response on letter as of 7/28/11. | 84642  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:43 | Create | Dateentered      | 07/28/2011                                                                                  | 84643  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:43 | Create | Document 2       | Submission of close letter.pdf                                                              | 84643  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:43 | Create | Document Type    | Investigative Material                                                                      | 84643  |        | User Change |
| DhsComplaintDocument | 2011-07-28 08:43 | Create | Document 1       | (b)(5),(b)(6).pdf                                                                           | 84643  |        | User Change |
|                      | 2011-            |        |                  |                                                                                             |        |        |             |

|                      |                         |        |                     |                                                    |       |        |                |
|----------------------|-------------------------|--------|---------------------|----------------------------------------------------|-------|--------|----------------|
| DhsComplaintDocument | 07-28<br>08:43          | Create | Foreign<br>Language | No                                                 | 84643 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>10:26 | Create | Dateentered         | 08/22/2011                                         | 84866 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>10:26 | Create | Document 1          | CRCL Close Letter Complaint No. 11-06-ICE-0194.pdf | 84866 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>10:26 | Create | Foreign<br>Language | No                                                 | 84866 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>10:26 | Create | Document Type       | Closed Letter                                      | 84866 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>11:26 | Create | Dateentered         | 08/22/2011                                         | 84870 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>11:26 | Create | Document 1          | (b)(5),(b)(6) pdf                                  | 84870 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>11:26 | Create | Document 4          | (b)(5),(b)(6) pdf                                  | 84870 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>11:26 | Create | Document 2          | (b)(5),(b)(6) pdf                                  | 84870 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>11:26 | Create | Document 5          | Submission of close letter.pdf                     | 84870 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>11:26 | Create | Document 3          | Confirmation of consent form to (b)(6) pdf         | 84870 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>11:26 | Create | Foreign<br>Language | No                                                 | 84870 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>08-22<br>11:26 | Create | Document Type       | Investigative Material                             | 84870 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>04-08<br>10:21 | Update | Document 5          | 3 31 2011 (b)(6) fax to CRCL.pdf                   | 83308 |        | User<br>Change |
| DhsComplaintDocument | 2011-<br>04-19<br>10:22 | Create | Document Type       | Acknowledgement Letter                             | 83439 |        | User<br>Change |

|                      |                  |        |                  |                                                                                                                                            |       |        |             |
|----------------------|------------------|--------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------|--------|-------------|
| DhsComplaintDocument | 2011-04-19 10:22 | Create | Document 1       | DHS CRCL letter to Rep Kildee re (b)(6) 4-18-2011_(11-06-ICE-0194).pdf                                                                     | 83439 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-19 10:22 | Create | Dateentered      | 04/19/2011                                                                                                                                 | 83439 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-19 10:22 | Create | Foreign Language | No                                                                                                                                         | 83439 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-19 10:22 | Create | Comments         | 4/19/2011 acknowledgement letter sent by Front Office (controlled correspondence ESEC Workflow # 900643) to Rep. Kildee, with cc to (b)(6) | 83439 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-08 09:43 | Create | Document 1       | 3 31 2011 (b)(6) Exec Sec (Source Congressional Kildee).pdf                                                                                | 83308 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-08 09:43 | Create | Document 4       | 4 7 2011 (b)(6) exec sec tasker.pdf                                                                                                        | 83308 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-08 09:43 | Create | Dateentered      | 04/08/2011                                                                                                                                 | 83308 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-08 09:43 | Create | Foreign Language | No                                                                                                                                         | 83308 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-08 09:43 | Create | Document 3       | 3 24 2011 (b)(6) pdf                                                                                                                       | 83308 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-08 09:43 | Create | Document 2       | 3 31 2011 (b)(6) CE HSI forward.pdf                                                                                                        | 83308 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-04-08 09:43 | Create | Document Type    | Incoming Letter                                                                                                                            | 83308 | (b)(6) | User Change |
| DhsComplaintIssue    | 2011-10-20 14:11 | Update | (b)(5)           | (b)(5)                                                                                                                                     | 12742 | (b)(6) | User Change |
| DhsComplaintIssue    | 2011-10-20 14:11 | Update | Situation        | DHS law enforcement activity                                                                                                               | 12742 | (b)(6) | User Change |
| DhsComplaintIssue    | 2011-04-08 09:53 | Create | Ongoing          | No                                                                                                                                         | 12742 | (b)(6) | User Change |
| DhsComplaintIssue    | 2011-04-08       | Create | City             | Millington                                                                                                                                 | 12742 | (b)(6) | User        |

|                             |                  |        |                        |                  |       |        |             |
|-----------------------------|------------------|--------|------------------------|------------------|-------|--------|-------------|
|                             | 09:53            |        |                        |                  |       | (b)(6) | Change      |
| DhsComplaintIssue           | 2011-04-08 09:53 | Create | Incident Date          | 03/24/2011       | 12742 |        | User Change |
| DhsComplaintIssue           | 2011-04-08 09:53 | Create | State                  | Michigan - MI    | 12742 |        | User Change |
| DhsComplaintIssue           | 2011-04-08 09:53 | Create | (b)(5)                 | (b)(5)           | 12742 |        | User Change |
| DhsComplaintIssue           | 2011-04-08 09:53 | Create | Incident Location Type | Residence        | 12742 |        | User Change |
| DhsComplaintIssue           | 2011-04-08 09:53 | Create | Primary Issue          | Yes              | 12742 |        | User Change |
| DhsComplaintIssue           | 2011-04-08 09:53 | Create | Redirect to Subject    | No               | 12742 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-05-11 14:50 | Update | First Name             | Congressman Dale | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:46 | Create | Prefix                 | Mrs              | 21338 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:46 | Create | Zip Code               | 48746            | 21338 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:46 | Create | Email                  | (b)(6)           | 21338 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:46 | Create | Address Line 1         | (b)(6)           | 21338 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:46 | Create | Last Name              | (b)(6)           | 21338 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:46 | Create | Alt Phone              | (b)(6)           | 21338 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:46 | Create | State                  | Michigan - MI    | 21338 |        | User Change |
|                             | 2011-            |        |                        |                  |       |        |             |



|                             |                         |        |                |               |       |        |                |
|-----------------------------|-------------------------|--------|----------------|---------------|-------|--------|----------------|
| DhsComplaintPartiesInvolved | 04-08<br>09:46          | Create | First Name     | (b)(6)        | 21338 | (b)(6) | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:46 | Create | City           | Millington    | 21338 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:46 | Create | Phone          | (b)(6)        | 21338 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:46 | Create | Contact Type   | Sender        | 21338 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:47 | Create | Prefix         | Mrs           | 21339 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:47 | Create | Zip Code       | 48746         | 21339 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:47 | Create | Email          | (b)(6)        | 21339 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:47 | Create | Address Line 1 | (b)(6)        | 21339 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:47 | Create | Last Name      | (b)(6)        | 21339 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:47 | Create | Alt Phone      | (b)(6)        | 21339 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:47 | Create | State          | Michigan - MI | 21339 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:47 | Create | First Name     | (b)(6)        | 21339 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:47 | Create | City           | Millington    | 21339 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:47 | Create | Phone          | (b)(6)        | 21339 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>04-08<br>09:47 | Create | Contact Type   | On Behalf Of  | 21339 |        | User<br>Change |

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|-----------------------------|------------------|--------|--------------------|----------------------------------|-------|--------|-------------|
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | Prefix             | Other                            | 21340 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | Zip Code           | 48708                            | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | Other Prefix       | Congressman                      | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | Address Line 1     | 916 Washington Avenue, Suite 205 | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | Other Organization | US House of Represenatives       | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | Last Name          | Kildee                           | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | Middle Name        | E.                               | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | State              | Michigan - MI                    | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | First Name         | Dale                             | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | Organization       | Other                            | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | City               | Bay City                         | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:50 | Create | Contact Type       | Sender                           | 21340 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:51 | Create | Last Name          | Exec Sec                         | 21341 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:51 | Create | Organization       | DHS                              | 21341 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08       | Create | Contact Type       | Source                           | 21341 |        | User        |

DHS-004-0000354

|                             |                  |        |              |                          |       |        |             |
|-----------------------------|------------------|--------|--------------|--------------------------|-------|--------|-------------|
|                             | 09:51            |        |              |                          |       | (b)(6) | Change      |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | Zip Code     | 48226                    | 21342 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | Email        | (b)(6),(b)(7)(C)@dhs.gov | 21342 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | Address Type | Work                     | 21342 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | Last Name    | (b)(6),(b)(7)(C)         | 21342 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | Alt Phone    | (b)(6),(b)(7)(C)         | 21342 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | Middle Name  | T                        | 21342 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | State        | Michigan - MI            | 21342 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | First Name   | (b)(6),(b)(7)(C)         | 21342 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | Organization | ICE                      | 21342 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | City         | Detroit                  | 21342 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | Phone        | (b)(6),(b)(7)(C)         | 21342 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-04-08 09:52 | Create | Contact Type | Source                   | 21342 |        | User Change |

**From:** (b)(6)  
**To:** (b)(6)  
**Cc:**  
**Subject:** FW: CRCL Complaint Number 11-08-ICE-0248 (Additional info needed)  
**Date:** Tuesday, July 05, 2011 11:47:15 AM  
**Attachments:** 5 18 2011 (b)(6).pdf

---

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6)@dhs.gov]  
**Sent:** Wednesday, June 29, 2011 11:16 AM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: CRCL Complaint Number 11-08-ICE-0248 (Additional info needed)

(b)(6)

Attached is the mail correspondence

Thanks

(b)(6)

**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, June 28, 2011 11:48 AM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: CRCL Complaint Number 11-08-ICE-0248 (Additional info needed)

(b)(6)

What is the address, city and state where the warrant was executed? Can you also forward the mail correspondence?

Thanks,

(b)(6)

Investigator  
Department of Homeland Security  
Office of Inspector General  
Office of Investigations  
202- (b)(6)

**From:** (b)(6)@dhs.gov]

**Sent:** Friday, June 24, 2011 10:22 AM

**To:** (b)(6)

**Cc:**

**Subject:** CRCL Complaint Number 11-08-ICE-0248

(b)(6)

Summary of new complaint for your review:

On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on April 26, 2011. Ms. (b)(6) included letters from each of her tenants and the photos of damage and physical harm. The letters from Ms. (b)(6) and her tenants allege that the ICE agents pointed their guns at tenants, forced them to the ground and handcuffed them tightly enough to cause bruises and punched one in the head, and damaged the property. This complaint was also made on behalf of her tenants (b)(6)

(b)(6)

(b)(6)

Thank you.

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357- (b)(6) (phone)  
(b)(6)@dhs.gov

RECEIVED

MAY 18 2011

U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties

(b)(6)

Davis, CA 95617

(b)(6)

To Whom It May Concern,

This document and the included attachments constitute a formal complaint regarding the manner in which Department of Homeland Security/Immigration and Customs Enforcement (ICE) agents executed a Search and Seizure Warrant at (b)(6) Davis, CA 95616, on Tuesday morning April 26, 2011. I own the property involved, and own and live in the house next door at (b)(6). I understand the agents had a legal right to search the property named on the warrant. In the absence of information proving otherwise I will assume Judge Edmund F. Brennan was provided sufficient evidence to justify his signing the warrant. While not a legal scholar, I understand the warrant in question as giving ICE agents the right to enter the house at (b)(6) to search for objects depicting child pornography and electronic devices, including computers, that may have been used to transmit images of child pornography. No individual people were named on the warrant.

Abused as a child, I have personal reasons for considering any form of child abuse abhorrent. Those involved in the production of, and trafficking in, child pornography should, in my opinion, be prosecuted and if convicted sentenced to the longest prison terms the law allows.

I think the ICE agents used excessive force while executing this warrant. They announced their presence in a manner that terrified those residents who could hear them yelling and banging on the door but who were unable to understand what was being said and by whom. Some of the residents thought they were robbers or perhaps terrorists. Agents entered the house with guns drawn with neither the consent of the residents nor any cognizance on their part that the people invading their home were federal agents serving a search warrant. With a seemingly callous disregard for the physical and psychological safety of innocent, frightened people, agents at gun point forcibly detained and handcuffed unresisting persons several of whom did not understand they were police agents. One resident was hit repeatedly across the back of his head, after he was lying face down on the floor with his hands behind him. This even after being told by another resident that he and several of the other occupants were not fluent in English. One person was told the warrant existed and one other was shown the warrant and read his rights, after most of the searching had been conducted. Both of these people are fluent in English and recognized quickly that the people breaking into their house were police, or at least looked to be police. Damage to and destruction of doors, and the floor in one room seemed more calculated to frighten people than to obtain entry to rooms as well as suggesting a total disregard for property. Minimal communication between agents, and between agents and residents would surely have resulted in less trauma to people and minimized damage to property.

Upon talking with an agent, outside of the house after identifying myself and being shown the warrant, I was led to believe they were looking for a computer and other information that may or may not have once been in the house, may or may not still have been in the house, and that was allegedly involved in the transmission of and/or used to visit a site involved in child pornography in March of last year.

I fail to understand why, for an alleged incident more than a year old it was deemed necessary to announce their presence at a time and in a manner calculated to waken sleeping people and frighten them, to point guns at them and handcuff them. The search warrant was valid until May 9<sup>th</sup> allowing ample time to determine who currently lives in the house.

It may be that under the Patriot Act such actions by ICE agents are considered legal. In my opinion, these ICE agents did not serve this warrant in a professional manner nor are their actions justifiable from any ethical or moral standpoint this country purports to stand for. It is fortunate that the injuries sustained by the residents were not more severe. Someone could easily have been killed. None of us involved feel safer after our encounter with Homeland Security.

Sincerely,

(b)(6)

Attachments: (One page each unless otherwise stated)

Copy of Search and Seizure Warrant 2: 11 - SW - 0161 EFB

Inventory of the property taken belonging to (b)(6)

Attachment B: Items to be Seized (4 pages)

Copy of business card of Supervisory Special Agent (b)(6), (b)(7)(C) Dept. of Homeland Security

Statements of Residents of (b)(6) with brief explanation of their status.

(These statements were submitted to me voluntarily and with the full understanding that they were to be included in this complaint. I have not altered the statements in any way other than to put names and page numbers in the upper right hand corner of each.)

Statement of (b)(6) UCD English as a Second Language Program student, Chilean National, Resident (b)(6)

Statement of (b)(6) Third year UCD student, American Citizen, Resident (b)(6)

Statement of (b)(6) (2 pages) - First year Sacramento City College student, American Citizen, Resident (b)(6)  
Grandson of (b)(6)

Statement of (b)(6) Vietnamese Visiting Scholar at UCD, Resident (b)(6)

Statement of (b)(6) Vietnamese Visiting Scholar at UCD, Resident (b)(6)

Statement of (b)(6) (8 pages) - Custodian, Resident (b)(6)

Statement of (b)(6) Vietnamese Visiting Scholar at UCD, Resident (b)(6)

Statement of (b)(6) Fourth year UCD student, American Citizen, Resident (b)(6)

Statement of (b)(6) Third year UCD student, American Citizen, Resident (b)(6)

Statement of (b)(6) (2 pages) - Retired Veterinarian, American Citizen, Resident (b)(6)  
(b)(6) Owner (b)(6)

Concerns, questions, and comments from (b)(6)

Pictures of damage to door between Ms. (b)(6) bedroom and back hall. (4)

Pictures of damage to floor in Ms. (b)(6) bedroom. (2)

Picture of damage to door to Dr. (b)(6) bedroom

Picture of Dr. (b)(6) injured hand

Bill for repairs completed

Estimate for additional repairs needed

List of Agencies and Persons receiving copies of complaint

## UNITED STATES DISTRICT COURT

for the  
Eastern District of CaliforniaIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)(b)(6)  
Davis, California 95616

Case No.

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

(b)(6)

An application by a federal law enforcement officer or an attorney for the government requests the search  
of the following person or property located in the EASTERN District of CALIFORNIA

(Identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the  
property to be seized):

SEE ATTACHEMNT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or  
property.

YOU ARE COMMANDED to execute this warrant on or before

5-9-2011

(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been  
established.Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property  
taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the  
place where the property was taken.The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an  
inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay  
of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be  
searched or seized (check the appropriate box) ☐ for \_\_\_\_\_ days (not to exceed 30).☐ Until, the facts justifying, the later specific date of \_\_\_\_\_.Date and time issued: 4-25-2011  
9:10:00 AM  
Judge's signatureCity and state: SACRAMENTO, CALIFORNIAEDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE

Printed name and title



**Return**

Case No.:

Date and time warrant executed:

9/26/11 0630

Copy of warrant and inventory left with:

(b)(6)

Inventory made in the presence of:

Inventory of the property taken and name of any person(s) seized:

- ① MISC DOCUMENTS
- ② MISC PHOTOGRAPHS
- ③ MISC MEDIA
- ④ CUSTOM CASE COMPUTER
- ⑤ LARGE TOWER COMPUTER
- ⑥ DELL COMPUTER (SERVICE TAG # (b)(6))
- ⑦ NETGEAR WIRELESS ROUTER 3/W (b)(6)

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
Executing officer's signature\_\_\_\_\_  
Printed name and title

Subscribed, sworn to, and returned before me this date.

\_\_\_\_\_  
Signature of Judge\_\_\_\_\_  
Date

**ATTACHMENT B**  
**ITEMS TO BE SEIZED**

The following items, records and information are to be seized wherever they may be stored or found on the property and in any form that they may be stored or found on the property:

- a. Any images of child pornography and files containing images of child pornography in any form;
- b. Any items, information or records which reference Liberalmorality.com or any users of Liberalmorality.com;
- c. Any items, information, records or images related to or used to visually depict child pornography or child erotica;
- d. Any items, information, or records which contain information pertaining to any individual's interest in child pornography or erotica;
- e. Any items, information, or records related to the distribution, receipt or possession of child pornography or used to distribute, receive, or possess child pornography;
- f. Books and magazines containing visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;
- g. Originals, copies, and negatives of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;
- h. Motion pictures, films, videos, and other recordings of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;

- i. Information, electronic records, or correspondence pertaining to the possession, receipt, or distribution of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256, that were transmitted or received using computer, some other facility or means of interstate or foreign commerce, common carrier, or the U.S. mail including, but not limited to:
- (1) envelopes, letters, and other correspondence including, but not limited to electronic mail, chat logs, and electronic or other instant messages, establishing possession, access to, or transmission through interstate or foreign commerce, including by United States mail or by computer, of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256; and
  - (2) books, ledgers, and records bearing on the production, reproduction, receipt, shipment, orders, requests, trades, purchases, or transactions of any kind involving the transmission through interstate or foreign commerce including by United States mail or by computer of any visual depiction of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;
  - (3) credit card information including but not limited to bills and payment records;
  - (4) records evidencing occupancy or ownership of the premises described above, including, but not limited to, utility and telephone bills, mail envelopes, or addressed correspondence; and

(5) records or other items that indicate ownership or use of computer equipment found in the above residence, including, but not limited to, sales receipts, bills for Internet access, and handwritten notes and  
 (6) records, electronic or otherwise, or other items that relate to Liberalmorality.com, and Liberalmorality.com accounts and usernames, or any other groups that exhibit a sexual interest in children.

j. For any computer hard drive or other electronic media (hereinafter, "COMPUTER") found to contain information otherwise called for by this warrant:

- (1) evidence of who used, owned, or controlled the COMPUTER at the time the items described in this warrant were created, edited, viewed, uploaded, downloaded, or deleted, such as logs, registry entries, internet history, saved usernames and passwords, documents, and browsing history, to include bookmarked sites;
- (2) evidence of software that would allow others to control the COMPUTER, such as viruses, Trojan horses, and other forms of malicious software;
- (3) evidence of the lack of such malicious software;
- (4) evidence of the attachment to the COMPUTER of other storage devices, disks, CD-ROMS, or similar containers for electronic evidence;
- (5) evidence of the times the COMPUTER was used and its users;
- (6) passwords, encryption keys, and other access devices that may be necessary to access the COMPUTER;

- (7) evidence identifying the location from which images of child pornography were downloaded, including date and time of such downloads;
- (8) evidence identifying whether image and/or video files containing child pornography were ever viewed, to include date and time of such viewing;
- (9) evidence identifying whether images and/or videos files were deleted to include date and time of deletion;
- (10) evidence relevant to the creation dates of all visual depictions of minors engaged in sexually explicit conduct, to include evidence derived from metadata obtained from child pornographic videos and images;
- (11) documentation and manuals that may be necessary to access the COMPUTER or to conduct a forensic examination of the COMPUTER;
- (12) contextual information necessary to understand the evidence described in this attachment.

As used above, the terms “items”, “images”, “records” and “information” include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as hard disks or other media that can store data); any handmade form (such as writing, drawing, painting); any mechanical form (such as printing or typing); and any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, or photocopies).

(b)(6),(b)(7)(C)

Supervisory Special Agent

DHS | Homeland Security Investigations

650 Capitol Mall (b)(6),(b)(7)

Sacramento, CA 95814

(b)(6),(b)(7)(C)



Homeland  
Security

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Early in the morning, around 620, I started to hear some very loud yells from outside of the house, which were followed by strong knocks in the principal door. I didn't understand anything about what they were saying outside. I got up quickly and ran to open the principal door. When I opened it, a policeman pushed me against the wall while he was handling a gun, he pointed me and made me turn around and put my hands in my back. While about 12 policemen got into the house and started to evict people in the others rooms, with the same procedure, yelling and knocking really hard the doors in a very impolite way. Even they forced one empty room door.

We were left, all of us handcuffed, in the living room, excepting (b)(6) (I don't know if I spelled right the name) that was in the back yard. Both Vietnamese women, one of them pregnant, asked for a coat to the policemen but they took over 10 minutes to bring one.

After 30 minutes they started to change their manners becoming to be more polite and they let us wrap up, it was very cold.

Then after that they ask me some question and check out my room they let me leave the house.

I just want to add that it was a very uncomfortable and shocking experience because I felt as a delinquent. The powerlessness feeling that I still have, it is so big.

On Tuesday April 26<sup>th</sup>, I was woken up around 6:30 in the morning to continuous loud banging at my front door. I didn't know who it was, and it was at such an early hour that none of my housemates were dressed or awake. As I got out of bed, the banging at the front door got louder and more extreme. Then the door bell started ringing. Just like the banging, it was none stop, like it was super urgent and someone's life depended on it. One of my housemates got to the door (I think it was one of the Vietnamese ladies who lives near the front) and as they opened the door, I heard "Don't move this is the police" or something similar to it. Then there was a lot of shouting from the police as they came rushing into the house. I was still in my room at the time and as I opened my door to see just what was happening, one of the police had a light shined up to my face. I couldn't see anything and was told to "freeze and put my hands up in the air". It felt like a robbery more than a police searching the house for whatever they were looking for. I was then led to the living room where I got handcuffed. None of my housemates nor I had any say in anything. I didn't even see the search warrant, or told anything as to why they were even there at my house at such an ungodly hour being as loud as they were. My friend lives next door, and even she could hear them shouting in my house. I was told to sit on the couch while they rummaged through the house and searched for more people. I was really confused at what was going on. One second I was in bed, and the other, I was handcuffed on the couch. Then I heard loud banging noises coming from my room in the back. I later found out that they broke down my door to get to the other side. The house we live in has a main house and a back house. We can reach the back house through a door in the backyard. My room is in the main house, but it also connects to the backhouse. I have 2 doors in my room. One leading to the main house, which is the one I use. And the other one is a sliding door that is locked to prevent people from the backhouse from coming into my room. It is always locked and the lock is on my side of the door. It pretty much just functions as a wall for me. As I never go out that way and the bottom of the door is taped shut to prevent a draft. But instead of opening the lock and sliding the door open, the police chose to break it down. They threw everything I had in front of the sliding door to the side and broke down the door. They even left a dent in the floor of my room when they brought in the battering ram. After the police found everyone in the house and they stopped shouting, I asked them what was



going on. They then proceeded to tell me that they had a search warrant from the court to search the house for someone who has illegally viewed a child pornography website. I never saw the warrant. I was only told about it. After they decided that no one at the house was a threat, they removed our handcuffs and patted all of us down. They then went around the entire house taking pictures. One of them walked around the house and sketched the entire house. They took our pictures and IDs and asked me for my social security number. They also asked each one of us how long we lived there at the house. Some of us were taken into another room for questioning or something. But I was never questioned or taken into another room. We sat in the living room and waited while they searched. Some of us had classes to go to, so the police let them go. I was the only one who stayed the entire time they searched the house. They were particularly interested in one of my housemate's room, since he was the only one who has lived there for over a year. They took his computers, router, and some letters addressed to him back to their office in Sacramento for further research. They didn't leave the house until after 10 am. They created a huge mess at my house, and they didn't even bother cleaning it up. They also told me that my landlady is in charge of the door they broke. While I understand they are only doing their jobs, but I think it was way over the top to come rushing into our house at 6:30 in the morning, shouting, and pointing guns at people. Not to mention unnecessarily breaking down the door.

April 26, 2011

I awoke on the morning of April 26, 2011 to the sound of banging and shouting coming from the center of the house. I had just enough time to put on pants and run outside, thinking that there could be a robbery or possibly a fight of some sorts. Once I exited my room and entered the kitchen from the garage, I was greeted by some men who were shouting and had their guns drawn. Before I could ask what was going on, the nearest one, a shorter white male, shouted at me to turn around and put my hands behind my back. The man also had his gun drawn, held in his right hand pointed lightly downward in my direction. At this point I realized he was a cop, and did as he asked. The man holstered his gun momentarily to cuff me, tight enough to the point I had some red rings around my wrist by the time they took them off. I was then held by the arm and taken into the living room, and told to sit on the couch. Another man was leading my room mate (b)(6) into the living room by the arm, her hands also cuffed. We were seated on the couch in the living room. I was questioned on how many people were lived in the house, their names, and which rooms belonged to whom. A minute later (b)(6) another cuffed room mate, was taken into the living room in a tea shirt and some boxers. Once I had told them about my other two Vietnamese room mates that were in the master bedroom. Once I did another 2 or more gun drawn team banged on the door and asked for them to open the door. I heard the agents shouting from the room and I tried to tell them their English was not very good, but they told me to continue to tell them about the other parts of the house. I told them about the other two men in the back of the house, and that the Vietnamese man could not speak perfect English. I told them I didn't know the names of the Vietnamese people, but that a man named (b)(6) had lived here longer then most of us. At that one of the agents, the only one without his gun drawn at this point, and the same man who cuffed me, jumped on that subject asked me quite a few questions, most I cannot recall. I mostly told him that I knew very little about (b)(6) and told him that he was an unemployed custodian who tended to the garden, and that he had his own internet router. I was not sure why they wanted to know about the computers and routers in the house. Most of us looked shaken, and the two Vietnamese room mates looked terrified, having known very little on what was going on. As I turned around on the couch to look into the back yard I could see other agents, but noticed one was pointing his gun directly at Jim, who had just exited the back yard. The same man questioning me before asked me a few more questions about the house, and I told them that there was a door in (b)(6) room that lead to the back portion of the house. A few moments went by where I could hear more yelling and banging from the back portion of the house, then I began to hear someone yelling to open a door. A minute later I heard 2 or three really loud bangs and something falling over. I assumed that it was the door in (b)(6) room at this point, wondering why they had broken down a door to a room they had previously cleared. After a few more moments a Vietnamese man joined us in the living room looking a distressed and terrified. (b)(6) was out back with 3 other agents as far as I could see, seated somewhere in the back yard. It was at this point I was told they had a warrant, and asked who owned the house and how long everyone had lived here. They asked me about the shed in the back, and getting a key for it or they would have to force their way into it. I told them it was my grandmother's house, and that my dad may have the key. They had someone assigned to each person it seemed, so as the others when around and collected

evidence, we were watched in silence. Most of my room mates where in skimpy pj's or underwear, and after a while of shivering one of the Vietnamese women asked for a jacket. A while later an agent brought a jacket for her and put it across her shoulders, though she couldn't put it on due to the hand cuffs. About half an hour later an agent began to take off the hand cuffs one by one, and asked us a few more questions, one of them being if we would wanted to get something warm from our rooms to wear. After we all got our warmer clothes on we were seated in the living room again, each asked to give identification. A man began collecting and taking apart the computers of the house, and ended up taking all of (b)(6) with him. After they had taken pictures of everyone, they took the two Vietnamese women into the back room for a while, and they came back about 20 minutes later fully clothed, looking slightly less distressed. I was taken into the room next, where I was shown the warrant. At this point I was read my writes and questioned some more. I was told that they were here looking for someone who had visited a child pornography cite. They asked me a few questions on my living situation, what my sexual preferences were, what cites I used, and how frequently I used them. I complied and told them everything they asked, even the stuff that was a bit personal. I was then lead back into the living room and saw the others seated there quietly. The agents all seemed to have put their guns away at this point. A few hours went by, where some of more personable agent made small talk and asked if we were ok. I can distinctly recall one of the Caucasian agents saying something about how they had "failed to communicate on this one". After a bit they let some of the other tenants go to where they needed too. I asked if I could grab my phone from the next room and then go over to my parents house across the street for some breakfast. A man lead me into my room to get my phone where I found my drawers of my dresser opened and searched, some of the contents scattered across my table. A small cardboard box labeled "Magic, The Gathering" containing a Magic card collection of mine had been ripped open, along with a plastic bag that my friend left here containing some coal that he uses for his hookah. After that I left the house.

Ultimately it was a very jumbled, disorganized, frightening, "out of no where" experience that is not exactly welcome at 6 am in the morning. I know the agent where just doing their job, but I felt that excessive force had been used and that there could have been some more communication to avoid the property damages, not to mention the mental and physical ones. Their was no need for them to have their guns, to break down any doors, or any other damage they may have caused my room mates. I cant speak for them, but I am told that there where more physical harm to my room mates then I experienced.

Signed, (b)(6)

## My report

About 6.30 am on Tuesday, 26 April, 2011. There was a noise in front of our house when we were sleeping. Someone shouted, rang the doorbell and stepped on the front door. My colleague and I were very frightened so we lay doggo in our bedroom. 4 or 5 minutes later, there was a knock at the door and someone said: "open the door". Immediately someone stepped on my bedroom door powerfully, and I saw 4 or 5 big, strong men. They held a gun in their hands. They pointed guns at us. Then they ordered us to put our hands up and checked us. I was in fear of my life. I felt very cold and tired because I was 2 months pregnant. After that both of us were handcuffed. They ordered me to sit on the floor. We were taken into the living room. There were 3 housemates sitting there. All of them were handcuffed. That was the first time I had been handcuffed. At that moment I knew that those men around us were police. There were about 8 or 9 policemen. I did not understand what happened? Why we were handcuffed? After asking us about some information relating to us and taking photos, they opened our handcuffs. They said that they searched the house for investigating a man who used Internet for bad things. About 15 minutes later, some of us were free. We went to UC, Davis to work and study. I have been in a state of panic about that matter. What a terrible nightmare!

From: (b)(6)  
To: (b)(6)  
Date: Wed, Apr 27, 2011 6:13 pm

Dear (b)(6)

I am (b)(6) - rent your room. I sent my report about yesterday problem to you and you correct it for me.

What is Human right in US?

Yesterday, we had a big trouble with policeman in US – a country is considered the most free country, where the Human right is very important for everybody.

At about 6:30 am., very early morning since we usually stay up late, we heard many noises and many people shouted loudly. We did not understand what the matter was, we were very afraid and did not open the door. After that, we heard the bell ring (about 3 times) and many voices in English, but nobody opened the door (I thought that everybody was afraid of robber, or terrorist,...). Then, they broke the door and got into the house, they shouted very loudly, I did not know what they did, because I was in my room. After 9 or 10 minutes, we heard many strong noises in front of my room, many voices but we did not understand what they said. We did not open the door since we too frightened. So, they used their feet to break the door and 3 or 4 of them got into my room. They pointed their gun at my body directly. They forced us to hand up and then hand-cuffed our hands, also they forced us to sit down the floor. We were so frightened that we could not say anything. At first, I thought they were terrorists, but they wore the police uniform (although they did not show anything to improve who they were). After that they forced us went out and sit down on the armchair in the living room. I saw that everybody staying in the house sit here and I could see that they wore the uniform with the letter: POLICE ICE IN AMERICA. They explained to everybody they were looking for someone who accessed illegal website. They asked us about the document (passport, ID card,...) and after I said to them where my passport was, they came to my room to open my wallet in my backpack in order to take my passport (without my agreement). Terribly, we were very cold because we only wore the night-clothes. When I asked them about the warm coat, they got into my room and took it for me. Then, they took off hand-cuff for everybody, took my photograph and permitted us to wash our face and could go to University if we want. They continued to check wireless, computer and searched thoroughly every room. I did not know when they left the house since I left from the house in order to go to my friend's house at about 7:30 am.

They did not say "sorry" or something like that. Until now, I can not imagine that in an innovative country such as US, policeman can have the right to do many things which break the human right. My nice imagination about American is broken.

Police Raid acct

account of police raid by

(b)(6)

(b)(6)

that took place on  
Tuesday April 25 between 6:00 AM  
and 6:30 AM at  
(b)(6)  
Davis California 91616.

I awoke sometime after 6:00 AM  
to the sound of police officers in  
the back yard of my residence.  
I share one of two bedroom  
units in the back of the house  
adjacent to the back yard.  
I looked out the window and saw  
police with guns drawn and

became concerned they were chasing a suspect through the back yard.

I left my bedroom to see if I could be of assistance but stopped at the bathroom to first relieve myself and proceeded to exit the back entrance of the two rear bedroom units. There was another door that connected the main house to the rear units but it had been permanently sealed to provide additional security and privacy to the women tenant

living in the room where the door was located, as I left the bathroom to exit the house I could hear police yelling and banging doors in the main house. I went outside to talk to the officers in the back yard to find out what was happening. As I exited the rear unit entrance a police officer leveled his gun at me and told me to lay down, as I complied with the officers request I could hear the police on the other side



of the connecting sealed door  
breaking the door down with a  
ram rod from the tenants bedroom  
side of the door. I tried to  
explain to the officer holding  
his gun on me that all they  
had to ~~do~~ was walk out  
the back entrance of the house  
and walk through the ~~the~~ door  
I had just walked out of  
to gain entry to the rear unit.  
By the time I finished explaining  
this to the officer there were  
already chunks of the door flying

into the ~~door~~ hallway and into the bathroom across from the door they were breaking down. Once they gained entrance through the broken door they proceed rough up and handcuff my rear unit roommate at gun point. They then handcuffed me and had us both sit ~~up~~ out in the back yard while the other officers in the main house continued their search for tenants.

I should point out that no one living at the residence attempted

in any way to resist the officers, every one was confused and panicked by the raid yet inspite of all our efforts to comply with the officers ~~was~~ we were subdued at gunpoint and handcuffed. It was not until after they had completely searched the house that we were shown a search warrant. A number of residence were so traumatised by the experience that they couldn't sleep and ~~at~~ would have panic attacks anytime someone in the house would open and close

a door or could be heard walking down a hallway. Had the officers done ~~an~~ a better investigation before raiding the house they would have known there was no one living here who would even remotely pose a threat to them upon seeing a search warrant. The force was excessive, unnecessary, and uncalled for. The use of such force actually put everyone at far greater risk than if they had handled the situation in almost ~~any~~ any other way. I should point out that

the trauma suffered by one of  
our residents who was pregnant  
led to a miscarriage four days  
after the raid, it would seem.

Clear the only people threatening  
the health and safety of children  
as a consequence of this raid  
were the agents conducting the  
raid,

(b)(6)

May 2 2011

**From: Vietnamese Visiting Scholar to UC Davis USA**

(b)(6)

**To Whom It May Concern:**

I am pleased to present a matter to authorities:

At around 6 - 6:30 am, April 26, 2011 at the (b)(6) Davis, California 95616, USA, where the Vietnamese Visiting Scholars to UC Davis rent has stumbled arrests for no reason and violence that conducted by the ICE police force.

In the morning when I'm asleep, then heard a knock out and speaking in a loud voice outside and I did not understand what happened because I was in the back of the house. When that voice is too louder I got up and opened the door to see if anything, and saw a man came to and did not say police, and I did not understand what had happened and closed the door, man kicked and rushed to my door, step on a very strong around 30 seconds and then they say police.

When I knew police I immediately opened the door (this only happened in approximately 1 minute), when I opened the door when suddenly about 3-4 police rushed to the animal something I lay face down on the ground and punches straight into my head, then use handcuff to make throbbled pain for my hand before locked (makes my hands bruised and swollen) and to point gun at me.

After the barbaric act very quickly and that I was rushed into the garden in back yard, when I saw that a person with the name of (b)(6) is also handcuffed, and I was very cold but not to get clothing. Handcuffs locked around 15-20 minutes after asking me some questions. After I answered the questions I've been open handcuffs and sitting in the garden to wait for 20-30 minutes then I was leaded into my room to get passport and get clothes, and put me in the living room where I saw everyone to be there.

Early in the morning, (b)(6) also heard a knock out and speaking in a loud voice outside, and they also did not understand what happened outside and they think the robber and thought that should sit indoors. Then the police kicked the door to the room and around 3-4 police crashed into the room and pointed the guns into them, (b)(6) is required to sit on the bed and (b)(6) was required to sit down on the ground and handcuffed both them. Then they were moved to living room together.

When everyone was herded into the living room for getting information, passports and taking photo. Around 8:30 am, they allowed everybody to school.

However, until now everybody in this house still do not understand what had happened, and is anything still happen? Many people have been particularly painful, sick without consideration from authorized people and explanation (only (b)(6) the owner, and UC Davis stuffs are very interested and encouraged).

People feel insecure, psychologically affected. After the incident happened (b)(6) was bellyache and was rushed her to hospital, after 2 days she lost pregnancy (miscariage). My hand is swollen and headache until now (hand swollen was photographed by owner)

Up to now, I personally still do not understand people who came here, are they police? Because they when they came they did not explain or introduce anything, did not present a Police Card or let we know they are police.

I also want the authorities to explain this incident and to have responsibility for their activities.

We would like to say thank you for all your kinds help during our difficult time.

We respectfully request that the diplomatic agencies of Vietnam Government in the United States, UC Davis and (b)(6) (owner) to help us resolve this matter.

***Date 28, April 2011***

On behalf of Vietnamese visiting scholar team

(b)(6)

**From:** (b)(6)**To:** (b)(6)**Subject:** LETTER**Date:** Mon, May 2, 2011 7:26 pm

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At 6:30am on Tuesday, April 26<sup>th</sup> I was startled by the loud pounding and shouting. I was shocked by the event, demands for opening doors were audible as well as orders to get down. At first I thought I was overhearing an event of domestic violence or assault but when I saw several unmarked vehicles parked wildly on the sidewalk I suspected something else – perhaps a home invasion. The vehicles were parked next door at a home where several friends and acquaintances lived. After learning more details, I became very upset in the manner which officials handled the situation. (b)(6)



May 3, 2011

To whom it may concern,

On the 28<sup>th</sup> of April at 6:30 in the morning, I was awoken to loud pounding sounds and shouts of "Police, search warrant". The intense reverberations of (then unidentified) Homeland Security's shouting and door pounding was such that I believed they were investigating my house. I looked out my window to see a group of men surrounding my neighbors' house, and then retreated from my window out of fear. I shortly heard sounds of doors banging open, footsteps running across hard floors, more sounds of physical force being exerted on solid surfaces, and finally shouts of "Get down! Get down!". I was frightened both for my neighbors and myself by this unprecedented use of force, and continue to have difficulty understanding why such aggression was necessitated, particularly since it yields psychological damage for all parties directly and indirectly involved.

Sincerely, (b)(6)

April 26, 2011

I wakened later than usual, about 6:10 or so. Got up and made coffee. Took a cup back to bed. As I was reaching for my reading material one of my housemates, (b)(6) came to the door of my room and spoke my name. I could tell by his tone of voice there was a serious problem. He asked if I had heard "that." I replied that I had heard nothing. He told me that the police were banging on the door (b)(6) (next door) and yelling loudly, and that he had waited a bit to come tell me as he didn't want to awaken me. I slipped some sweats over my pajamas and putting my sandals on I went out through the garage to the front of the house. Looking both directions along (b)(6) I did not see any thing that looked like police cars. All looked and sounded quiet next door.

As I started next door, the neighbor directly across the street came out and called to me. I crossed the street to speak with him. He advised me to use caution as the police had gone into the house with their guns drawn. I said I didn't see any police cars. He pointed to several new looking SUVs parked down the street and said something to the effect of those were their cars and they seemed to have deliberately parked away from the front (b)(6). He told me the police had pounded on the door and yelled loudly enough for him to hear across the street that they were the police and had a search warrant.

I walked back across the street to the middle of the front yard (b)(6). I could see several officers inside. I started to call my grandson (b)(6) who is one of seven people living in the house, on my cell phone, then thought better of it. An agent came out of the house and asked if I was "the grandmother." I said something like what? Whose grandmother? I was then asked if I was the owner of the house to which I replied, "Yes." I asked if they had a warrant and when answered in the affirmative I asked to see it. I was told I could see it as soon as I produced the proper identification. At first I thought what was wanted was proof I owned the house but with a couple of questions I was made to realize my driver license would do. Another agent came out of the house and asked if I had the keys to the shed in the back. I told him my son had them, that I would get them and my driver license, and the shed would be unlocked after I had seen the search warrant.

I went back to my house, (b)(6) got my wallet and crossed the street to my son's house (b)(6). As I crossed the street I noticed two agents walking north on my side (b)(6). My son's door was locked so I called him on my cell phone and asked him to come quickly and let me in. I explained what little I knew, that there were police (b)(6) they had a warrant, and wanted the keys to the shed. When (b)(6) had dressed and gotten his keys we walked to the middle of the front yard (b)(6). I noticed two new looking SUVs, without license plates, had been moved to the front (b)(6) blocking the car belonging to (b)(6) (b)(6) one of the residents, in the driveway.

An agent who later identified himself as (b)(6) came out. I was shown the search warrant. Not having seen such before I could only surmise it was legitimate. I looked over the warrant and realized they were looking for evidence of child pornography. In response to some question or other I learned they were investigating some computer transmission of child pornography across international borders. I did not think to ask any of the officers for ID, nor did they offer any. They were wearing jackets that said "police" and "ICE" on the back as well as official looking badges.

My son said he was not sure which key in the bunch he was holding was the key they wanted. He was reluctant to give all his keys to the agent and asked if we could go around to the back of the house to the shed. (b)(6) gave his assent and the three of us walked around to the back of the house. I was told that they were not holding anyone and that all of the residents were free to leave and go about their business. (b)(6) started trying keys attempting to find the proper one. (b)(6) was sitting in a chair near the shed. After (b)(6) got the shed door open we were ushered out of the back yard. It was quite clear we were not going to be allowed to watch them search the shed. It also seemed apparent that we were not to enter the house though at no time did I, or my son, ask to do so.

As my son and I walked back towards the front of the house, accompanied by an agent, another of the tenants (b)(6) a student from Chile here to study English at UCD, came around to get his bike so he could go to campus. He looked stricken. I asked if he was okay and he tried to reassure me he was.

I was asked several times about who lived (b)(6) last March. I was unable to think of anyone at first, other than (b)(6) and a man I referred to several times as "the fellow who used to work for my son." Although the agents seem quite interested in my providing them with names, they never once asked me the name of the "fellow who used to work for my son." I was asked if I wrote leases for the tenants. I replied that I did for those who were to stay for a year, but often did not for those who were only staying for

a quarter as most of the current tenants were. I mentioned that I thought a (b)(6) had been there a year ago, and my son and I discussed just when (b)(6) had moved, settling on the end of August, 2010. Asked if I had a forwarding address for him I replied that I didn't but could probably get one as I have several friends who also know him. Asked if he was still in the general area I said I thought so. I went back to my house at some point to see if I could find the leases from the year before but was unable to find them.

At some point I was asked rather causally where I kept my gun. I started to say I didn't have one, then amended it to I did have a pellet gun. I said it had belonged to my long dead ex-husband. Turning to my son I explained it had been his dad's. I had thought it was a real gun and had confiscated it when I filed for divorce. Years later I showed it to a friend who told me it was just a pellet gun and we bought some pellets for it as he was going to teach me how to shoot it. I have never fired it. Looking back towards the agent I said I was not even sure just where it is. I later asked the agent what sort of a gun it was that I supposedly had. I was told a 38 revolver is registered to someone with my name.

My son and I walked back across the street to his house. I said I needed to leave for class soon. (Somewhere in this sequence of events I had returned to my house, showered and dressed. I do not remember where in the sequence of events this happened.) (b)(6) asked if I had gotten a copy of the search warrant. I said I had not and he suggested I ask for one. We went back (b)(6) and waited until someone inside noticed us. I asked that I be given a copy of the search warrant. The agent who spoke with us said they would leave one when they had filled out the page that was blank with the items they were taking with them. I gave the man my card with my phone number, said I would likely be in class (b)(6) also gave him a card with his phone number and asked that he be called as he would be near-by. The agent, (b)(6), (b)(7)(C) gave me his card. This was the first that I realized I was dealing with agents from Homeland Security. While I did not know at the time what ICE stood for; I had noticed that the warrant had been requested by a federal official and signed by a federal judge when I was shown it. Nowhere on the warrant is the agency requesting or responsible for executing the warrant identified.

When I returned home about 4:30 that afternoon several of the residents began to tell me what had occurred. My housemates also told me what they had seen and heard. Their statements are attached. A copy of the search warrant including the list of confiscated items had been left for me by one of the tenants. As required, a list of items confiscated is included. While the warrant itself makes reference to an Attachment A it was not attached, nor did I see such when I was shown the warrant earlier. Attachment B, 4 pages listing the items that could be searched for and seized if found was included. No mention was made, either verbally when I spoke with agents, or on the written material left of any damages to the house itself. That damage consists of one solid interior sliding door and lock completely destroyed, one interior hollow core door and door jam damaged, one interior hollow core door and lock damaged, and damage to the floor in one bedroom. Nor has anyone contacted me concerning such damages.

About 6:30 pm the following Friday, April 29, 2011, (b)(6) came into my office (garage) (b)(6) asking that I come see her roommate (b)(6) looked rather pale to me. She explained she had had abdominal pain the afternoon of the 26<sup>th</sup> but that the pain had gone away. Then about noon on the 29<sup>th</sup> she noticed some dark brown spotting. Afraid she might be miscarrying, I said we should go to the emergency room at Sutter Davis Hospital which we did. We were at the hospital until about 1:30 or 2:00 am. (b)(6) was miscarrying.

(b)(6)

A number of questions and concerns have come to my mind since that Tuesday morning.  
Why was what appears to be an excessive amount of force deemed necessary considering that:

No one offered any resistance.

The agents were told that several residents were not fluent in English.

Three of the residents are small, slight of build females.

What constitutes legal notification of police identity? Is it sufficient to waken people by yelling loudly while pounding on doors?

In a multi-cultural society is it not considered necessary to determine if what is being yelled is understood?

In the context of a university community, whose university, University of California, Davis, is internationally known for its outreach programs to international universities, scholars, and students this lack of consideration is bewildering.

Is the possibility that occupants awakened by repeated loud banging, bell ringing, and shouting might be terrified ever even considered in such circumstances?

When in the course of conducting a search must the search warrant be shown, and to whom? Is it sufficient to simply state, or yell loudly outside a closed door, that a warrant exists or must the warrant be physically exhibited? Is it necessary to ascertain whether or not those affected by the search understand what is occurring and why?

Since the search warrant, signed by a federal judge on Monday, April 25<sup>th</sup> was valid until May 9<sup>th</sup> why was it deemed necessary to execute the warrant early the following Tuesday morning rather than gathering information about who the occupants of the house were, especially since the alleged transmission of child pornography apparently took place over a year ago?

Was the possibility that the alleged perpetrator and/or possible incriminating materials might no longer be in the house being searched given the time passed since the alleged event occurred even considered by those in charge of conducting the search?

Given that the search and seizure warrant named only things, not persons, why was the raid staged at a time when occupants could be presumed to be present, and quite probably asleep?

If it can be determined that the stress of the incident played a role in the miscarriage of (b)(6) who pays her medical bills? Who compensates her for the loss of a badly wanted child assuming it is possible to compensate someone for such a loss?

Who pays for counseling for the psychological stress and perhaps post traumatic stress disorder incurred by terrified innocent people?

Who pays for the damages to my house? Why were these damages not documented? Why have I not been advised that such damages occurred? Had a minimal amount of information been obtained beforehand and/or at the scene would such damage have been considered necessary?

Would it not have been possible to contact me, show me the warrant, and ask me to cooperate in providing access to the house and tenant consent for the search, as well as information regarding present and past tenants? If not, why not? Was it not possible to announce their presence and purpose in a manner that would not have resulted in people being too terrified to open their doors? Do the arguments for not doing so supersede the rights and safety of innocent until proven guilty people?

Much of the house was searched prior to the occupants being aware a search warrant existed and prior to their being shown such. Does this then constitute a legal search and seizure operation?

My understanding of this incident is that the agents were looking for things, specifically computer and other technological evidence of child pornography. This was not a drug raid. This was not a search for any person. As of this date no one has been detained, arrested, or charged with a crime. Nor, according to the search warrant was any particular person expected to be. Do these facts justify a forced entry at gunpoint and forced detainment and handcuffing of terrified and non-resisting innocent until proven guilty people?

Does such forced detainment violate their rights guaranteed by the Fourth Amendment? Do these facts justify the risk of people being shot and possibly killed? Are the injuries, both psychological and physical, sustained by the residents and the damages done to the house simply considered "collateral damage"?

In what conceivable way did the actions of the ICE agents contribute to our national security?

Who protects us citizens and visitors from foreign countries from those whose job it is to protect us? How would the American government respond to such treatment of its nationals in other countries?

(b)(6)



View of damaged door in (b)(6) room from bedroom. Doorknob visible is on open exit door from back hallway to outside. Open doorway visible is to bath room.



View of damaged door in  
room from bedroom.

(b)(6)



View of damaged door in  
from hallway.

(b)(6)

room



View of damaged door in (b)(6) room  
from hallway.

Door knob that is visible is on exit door leading  
from hallway to outside. Door is open.



(b)(6)

view of damage to floor in (b)(6) room

Damage to floor in

(b)(6)

room



View of damage to door to  
from hallway side.

(b)(6)

room



(b)(6) hands. Note swelling and bruising  
of left hand.

(b)(6)

## BILLING INVOICE

**Invoice # 540-1-11**

**Date: 04/27/2011**

To: (b)(6) Davis, CA 95616

Job Location: (b)(6) Davis CA 95616

Please pay for the following work performed:

Remove and replace slider door between bedroom and back hallway.  
Install new lock on door. Paint door.

Labor and materials: \$200.00

**Thank you.**

(b)(6)

Date 4/27/11

Bonded \* Insured \* PL & PD \* CA. Contractors Lic. (b)(6)  
CA. Consumers Affairs ST. Contractors Lic. Board

(b)(6)

**Estimate**

**Invoice # 540-2-11**

**Date: 04/27/2011**

To: (b)(6) Davis, CA 95616

Job Location: (b)(6) Davis CA 95616

Repair and paint back bedroom door.  
Repair and paint door jam.

Labor and Materials: \$100

Repair/adjust lock on front bedroom door.  
Paint door.

Labor and Materials: \$65

Remove and replace damaged Pergo flooring in bedroom with slider door.

Labor and Materials: \$500

Total Labor and Materials: \$665

**Thank you.**

(b)(6)

Date 4/27/11

Bonded \* Insured \* PL & PD \* CA. Contractors Lic (b)(6)  
CA. Consumers Affairs ST. Contractors Lic. Board

**Copies to:**

**Department of Homeland Security Office of Civil Rights and Civil Liberties**

**Mailed to: CRCL/Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, DC 20528**

**ICE Office of Professional Responsibility**

**Mailed to: Resident Agent in Charge - San Francisco  
1111 Jackson Street, Suite 555  
Oakland, CA 94607**

**(b)(6),(b)(7)(C) Supervisory Special Agent**

**Mailed to: DHS Homeland Security Investigations  
650 Capitol Mall, Suite 7-200  
Sacramento, CA 95814**

**Edmund F. Brennan, US Magistrate Judge**

**Mailed to: United States District Court for the Eastern District of CA  
C/o Clerk's Office, United States Court House  
501 I Street, Sacramento, CA 95814**

**Secretary Janet Napolitano**

**Mailed to: Department of Homeland Security  
United States Department of Homeland Security  
Washington D.C. 20528**

**(b)(6) UCD Campus Counsel**

**Hand Delivered: Office of the Chancellor, University of California - Davis  
One Shields Avenue  
Davis, CA 95616-8558**

**(b)(6) Deputy Consul General**

**Consulate General of Vietnam  
1700 California Street, Suite 430  
San Francisco, CA 94109**

**Senator Barbara Boxer**

**Hand Delivered: Sacramento Office  
501 I Street, Suite 7-600  
Sacramento, CA 95814**

**Congressman Mike Thompson**

**Hand Delivered: Yolo District Office  
712 Main Street, Suite 101  
Woodland, CA 95695**

**Yolo County Supervisor Don Saylor**

**Hand Delivered: Don Saylor, Davis, CA**

**City of Davis Mayor Joe Krovoza**

**Hand Delivered: Davis City Hall, 23 Russell Blvd., Davis, CA 95616**



**Homeland  
Security**

November 28, 2012

(b)(6)

Davis, California 95617

Re: Complaint No. 11-08-ICE-0248

Dear (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on May 18, 2011, regarding Immigration and Customs Enforcement's (ICE) service of a search warrant at a residence that you own and that is rented by several tenants. In your complaint, you alleged that ICE officials used excessive force against one of your tenants and caused damage to the interior of the residence.

In addition to CRCL, ICE Office of Professional Responsibility (OPR) also received your complaint. OPR investigated your complaint and provided CRCL a copy of a report documenting its investigation. According to the report, OPR interviewed you, two of the tenants present during the service of the search warrant, and the ICE agents who participated in the service of the search warrant. The agents indicated that while conducting a protective sweep of the residence, ICE officials pursued one of the tenants of the residence, (b)(6) into a bedroom. Mr. (b)(6) was subsequently apprehended and handcuffed. ICE officials removed the handcuffs from Mr. (b)(6) and the other tenants once it was determined that the residence was safe for officials to search. The report also states that Mr. (b)(6) did not complain of any injuries to ICE officials. Finally, Mr. (b)(6) did not submit a statement regarding the incident.

Accordingly, based on our review of the facts and circumstances presented in this matter, we are unable to substantiate your complaint and we are closing this matter. We appreciate your bringing this complaint to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Blumberg".

Jeffrey S. Blumberg



Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security











# Homeland Security

June 24, 2011

(b)(6)

Davis, CA 95617

Re: Complaint No. 11-08-ICE-0248 on behalf of

(b)(6)

Dear

(b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on May 18, 2011. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at [crcl@dhs.gov](mailto:crcl@dhs.gov), by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

### **Privacy Act Statement**

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to

[www.dhs.gov/CRCL](http://www.dhs.gov/CRCL). To learn more about the Privacy Act, go to the Federal Information Center, [www.pueblo.gsa.gov](http://www.pueblo.gsa.gov).





OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
COMPLAINT WITHOUT RECOMMENDATIONS  
CLOSURE MEMORANDUM

To: (b)(6)  
From:  
Date: November 28, 2012  
Complaint Number: 11-08-ICE-0248  
Complainant Name (Alien Number): (b)(6)

**Reason(s) for Closure without Recommendations (check all that apply):**

(b)(5)

**Complaint Synopsis and Explanation of Closing Rationale:**

On May 18, 2011, CRCL received correspondence from (b)(6) regarding an ICE execution of a Search and Seizure Warrant at her residential property in Davis, California. (b)(6) owns the residential property that she rents to multiple residents. On April 26, 2011, (b)(6) alleged that ICE agents used excessive force in the execution of the warrant, entering the house with guns drawn, forcibly restrained and handcuffed residents, injuring one resident, and causing damage and destruction of the residential property. (b)(6) expressed concern regarding the injuries sustained by (b)(6) and (b)(6) who was pregnant at the time of the incident and subsequently miscarried her baby. (b)(6) further alleged that ICE agents caused damage to her property when they broke through an interior door with a battering ram, causing damage to the door and the floor.

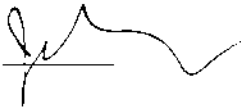
(b)(5)



**Comments (optional):**

***For Completion by Reviewer:***

**Closure Recommendation Accepted**

A handwritten signature in black ink, appearing to be 'J. M.', written over a horizontal line.

**Closure Recommendation Not Accepted**

\_\_\_\_\_

**Further Action Required:**\_\_\_\_\_

## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0869 11-08-ICE-0248 (b)(6)

| Data Object  | Date             | Event  | Field                  | New Value                                                                                                                                                                                                                                           | Tracking Id | User   | Reason      |
|--------------|------------------|--------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------------|
| DhsComplaint | 2011-06-16 16:56 | Update | Summary                | On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on April 26, 2011. (b)(6) included letters from each of her tenants | 7642        | (b)(6) | User Change |
| DhsComplaint | 2011-06-16 15:38 | Create | Entry Date             | 06/16/2011                                                                                                                                                                                                                                          | 7642        | (b)(6) | User Change |
| DhsComplaint | 2011-06-16 15:38 | Create | Method of Receipt      | Standard Mail                                                                                                                                                                                                                                       | 7642        | (b)(6) | User Change |
| DhsComplaint | 2011-06-16 15:38 | Create | Sender Type            | Individual                                                                                                                                                                                                                                          | 7642        | (b)(6) | User Change |
| DhsComplaint | 2011-06-16 15:38 | Create | Date on Correspondence | 05/10/2011                                                                                                                                                                                                                                          | 7642        | (b)(6) | User Change |
| DhsComplaint | 2011-06-16 15:38 | Create | Date to DHS            | 05/17/2011                                                                                                                                                                                                                                          | 7642        | (b)(6) | User Change |
| DhsComplaint | 2011-06-16 15:38 | Create | Date to CRCL           | 05/18/2011                                                                                                                                                                                                                                          | 7642        | (b)(6) | User Change |
| DhsComplaint | 2011-06-16 15:38 | Create | Days to Process        | 29                                                                                                                                                                                                                                                  | 7642        | (b)(6) | User Change |
| DhsComplaint | 2011-06-16 15:38 | Create | Allegation             | (CR/CL) Civil Rights/Civil Liberty                                                                                                                                                                                                                  | 7642        | (b)(6) | User Change |
| DhsComplaint | 2011-06-16 15:38 | Create | Executive Summary      | On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on April 26, 2011.                                                  | 7642        | (b)(6) | User Change |
| DhsComplaint | 2011-06-16 15:38 | Create | Summary                | On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on April 26, 2011. (b)(6) included                                  | 7642        | (b)(6) | User Change |

DHS-004-0000412

|                    |                  |        |                      |                                                                                                                                                                                                                                                             |        |        |             |
|--------------------|------------------|--------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
|                    |                  |        |                      | letters from each of her tenants                                                                                                                                                                                                                            |        | (b)(6) |             |
| DhsComplaint       | 2011-06-16 15:38 | Create | Component Referenced | ICE                                                                                                                                                                                                                                                         | 7642   |        | User Change |
|                    |                  |        |                      | (b)(5)                                                                                                                                                                                                                                                      |        |        |             |
| DhsComplaint       | 2011-07-27 13:07 | Update | Summary              | On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on April 26, 2011                                                           | 7642   |        | User Change |
|                    |                  |        |                      | (b)(5)                                                                                                                                                                                                                                                      |        |        |             |
| DhsComplaint       | 2011-07-27 13:07 | Update | Executive Summary    | On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on                                                                          | 7642   |        | User Change |
| DhsComplaint       | 2011-07-27 13:07 | Update | Days to Process      | 70                                                                                                                                                                                                                                                          | 7642   |        | User Change |
|                    |                  |        |                      | (b)(5)                                                                                                                                                                                                                                                      |        |        |             |
| DhsComplaint       | 2011-08-25 08:56 | Update | Summary              | On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on                                                                          | 7642   |        | User Change |
| DhsComplaint       | 2011-08-25 08:56 | Update | Days to Process      | 99                                                                                                                                                                                                                                                          | 7642   |        | User Change |
|                    |                  |        |                      | (b)(5)                                                                                                                                                                                                                                                      |        |        |             |
| DhsComplaint       | 2011-08-25 08:57 | Update | Summary              | On May 18, 2011, CRCL received standard mail correspondence from (b)(6) alleging unnecessary use of force on her property and her tenants by ICE agents while serving a warrant on                                                                          | 7642   |        | User Change |
| DhsComplaintAction | 2013-01-09 15:46 | Create | Action               | Closed - Short Form/No Further Action                                                                                                                                                                                                                       | 109195 |        | User Change |
| DhsComplaintAction | 2013-01-09 15:46 | Create | Internal Summary     | On May 18, 2011, CRCL received a complaint from (b)(6) regarding ICE's execution of a search and seizure warrant on her property, alleging excessive use of force. ICE conducted an administrative inquiry finding that the authorized search was conducted | 109195 |        | User Change |

|                    |                  |        |                   |                                                                                                                                                                                                                                                             |        |        |             |
|--------------------|------------------|--------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
| DhsComplaintAction | 2013-01-09 15:46 | Create | Action Date       | 11/28/2012                                                                                                                                                                                                                                                  | 109195 | (b)(6) | User Change |
| DhsComplaintAction | 2013-01-09 15:46 | Create | Document          | Final SF Close Memo (b)(6).pdf                                                                                                                                                                                                                              | 109195 | (b)(6) | User Change |
| DhsComplaintAction | 2013-01-09 15:46 | Create | Reporting Summary | On May 18, 2011, CRCL received a complaint from (b)(6) regarding ICE's execution of a search and seizure warrant on her property, alleging excessive use of force. ICE conducted an administrative inquiry finding that the authorized search was conducted | 109195 | (b)(6) | User Change |
| DhsComplaintAction | 2011-11-09 08:39 | Create | Action            | Retained in CRCL                                                                                                                                                                                                                                            | 106410 | (b)(6) | User Change |
| DhsComplaintAction | 2011-11-09 08:39 | Create | Action Date       | 11/09/2011                                                                                                                                                                                                                                                  | 106410 | (b)(6) | User Change |
| DhsComplaintAction | 2011-07-05 12:25 | Create | Action            | IG Declines/Back from IG                                                                                                                                                                                                                                    | 105389 | (b)(6) | User Change |
| DhsComplaintAction | 2011-07-05 12:25 | Create | Document          | 11-08-ICE-0248 (Additional info needed) (OIG Reposnse 7 5 2011).pdf                                                                                                                                                                                         | 105389 | (b)(6) | User Change |
| DhsComplaintAction | 2011-07-05 12:25 | Create | Action Date       | 07/05/2011                                                                                                                                                                                                                                                  | 105389 | (b)(6) | User Change |
| DhsComplaintAction | 2011-07-05 12:26 | Create | Action            | Awaiting Recommendation                                                                                                                                                                                                                                     | 105390 | (b)(6) | User Change |
| DhsComplaintAction | 2011-07-05 12:26 | Create | Action Date       | 07/05/2011                                                                                                                                                                                                                                                  | 105390 | (b)(6) | User Change |
| DhsComplaintAction | 2011-07-12 13:30 | Create | Action Date       | 07/12/2011                                                                                                                                                                                                                                                  | 105497 | (b)(6) | User Change |
| DhsComplaintAction | 2011-07-12 13:30 | Create | Action            | Recommendation Review                                                                                                                                                                                                                                       | 105497 | (b)(6) | User Change |
| DhsComplaintAction | 2011-07-12 13:31 | Create | Action Date       | 07/12/2011                                                                                                                                                                                                                                                  | 105498 | (b)(6) | User Change |
| DhsComplaintAction | 2011-07-12 13:31 | Create | Action            | Back from Officer                                                                                                                                                                                                                                           | 105498 | (b)(6) | User Change |

|                      |                  |        |                    |                                                           |        |        |             |
|----------------------|------------------|--------|--------------------|-----------------------------------------------------------|--------|--------|-------------|
| DhsComplaintAction   | 2011-07-12 13:31 | Create | Primary Assignment | (b)(6)                                                    | 105498 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-07-12 13:31 | Create | Comments           | short form                                                | 105498 | (b)(6) | User Change |
| DhsComplaintAction   | 2012-07-17 12:17 | Update | Action             | Short Form                                                | 106410 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-06-24 10:22 | Create | Action             | Open a Complaint                                          | 105311 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-06-24 10:22 | Create | Action Date        | 06/24/2011                                                | 105311 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-06-24 10:22 | Create | Comments           | Per instructions from Jeff Blumberg, Open as short form . | 105311 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-06-24 10:23 | Create | Action             | Sent to IG                                                | 105312 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-06-24 10:23 | Create | Action Date        | 06/24/2011                                                | 105312 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-06-24 10:37 | Create | Document           | CRCL Acknowledgement letter (b)(6) 11-08-ICE-0248.pdf     | 105314 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-06-24 10:37 | Create | Action             | Acknowledgement Letter Sent                               | 105314 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-06-24 10:37 | Create | Action Date        | 06/24/2011                                                | 105314 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-24 10:50 | Create | Document 1         | ~\$mplaint Summary Form111-08-ICE-0248 (b)(6) docx        | 84313  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-24 10:50 | Create | Foreign Language   | No                                                        | 84313  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-24 10:50 | Create | Dateentered        | 06/24/2011                                                | 84313  | (b)(6) | User Change |
| DhsComplaintDocument | 2011-06-24       | Create | Document Type      | Draft Response                                            | 84313  | (b)(6) | User        |

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|----------------------|------------------|--------|------------------|---------------------------------------|-------------|-------|--------|-------------|
|                      | 10:50            |        |                  |                                       |             |       | (b)(6) | Change      |
| DhsComplaintDocument | 2011-06-24 10:51 | Delete |                  |                                       |             | 84313 |        | User Change |
| DhsComplaintDocument | 2011-06-24 10:51 | Create | Document 1       | Complaint Summary Form111-08-ICE-0249 | (b)(6).docx | 84314 |        | User Change |
| DhsComplaintDocument | 2011-06-24 10:51 | Create | Foreign Language | No                                    |             | 84314 |        | User Change |
| DhsComplaintDocument | 2011-06-24 10:51 | Create | Dateentered      | 06/24/2011                            |             | 84314 |        | User Change |
| DhsComplaintDocument | 2011-06-24 10:51 | Create | Document Type    | Draft Response                        |             | 84314 |        | User Change |
| DhsComplaintDocument | 2011-06-16 16:42 | Create | Document 1       | 5 18 2011                             | (b)(6).pdf  | 84247 |        | User Change |
| DhsComplaintDocument | 2011-06-16 16:42 | Create | Foreign Language | No                                    |             | 84247 |        | User Change |
| DhsComplaintDocument | 2011-06-16 16:42 | Create | Dateentered      | 06/16/2011                            |             | 84247 |        | User Change |
| DhsComplaintDocument | 2011-06-16 16:42 | Create | Document Type    | Incoming Letter                       |             | 84247 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:41 | Create | Document Type    | ROI                                   |             | 88202 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:41 | Create | Foreign Language | No                                    |             | 88202 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:41 | Create | Dateentered      | 10/16/2012                            |             | 88202 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:41 | Create | Document 1       | AIR Closing Report.out                |             | 88202 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:55 | Create | Document Type    | ROI                                   |             | 88203 |        | User Change |
|                      | 2012-            |        |                  |                                       |             |       |        |             |



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| DhsComplaintDocument | 10-16<br>12:55          | Create | Document 2          | Exhibit 22aa.JPG  | 88203 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:55 | Create | Document 4          | Exhibit 22b.JPG   | 88203 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:55 | Create | Document 5          | Exhibit 22bb.JPG  | 88203 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:55 | Create | Foreign<br>Language | No                | 88203 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:55 | Create | Comments            | Exhibits Photos   | 88203 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:55 | Create | Dateentered         | 10/16/2012        | 88203 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:55 | Create | Document 3          | Exhibit 22aaa.JPG | 88203 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:55 | Create | Document 1          | Exhibit 22a.JPG   | 88203 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:56 | Create | Document Type       | ROI               | 88204 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:56 | Create | Document 2          | Exhibit 22c.JPG   | 88204 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:56 | Create | Document 4          | Exhibit 22ccc.JPG | 88204 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:56 | Create | Document 5          | Exhibit 22d.JPG   | 88204 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:56 | Create | Foreign<br>Language | No                | 88204 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:56 | Create | Dateentered         | 10/16/2012        | 88204 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>12:56 | Create | Document 3          | Exhibit 22cc.JPG  | 88204 |        | User<br>Change |

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| DhsComplaintDocument | 2012-10-16 12:56 | Create | Document 1       | Exhibit 22bbb.JPG | 88204 | (b)(6) | User Change |
| DhsComplaintDocument | 2012-10-16 12:57 | Create | Document Type    | ROI               | 88205 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:57 | Create | Document 2       | Exhibit 22ddd.JPG | 88205 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:57 | Create | Document 4       | Exhibit 22ee.JPG  | 88205 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:57 | Create | Document 5       | Exhibit 22eee.JPG | 88205 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:57 | Create | Foreign Language | No                | 88205 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:57 | Create | Dateentered      | 10/16/2012        | 88205 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:57 | Create | Document 3       | Exhibit 22e.JPG   | 88205 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:57 | Create | Document 1       | Exhibit 22dd.JPG  | 88205 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:58 | Create | Document Type    | ROI               | 88206 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:58 | Create | Document 2       | Exhibit 22ff.JPG  | 88206 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:58 | Create | Document 4       | Exhibit 22gg.JPG  | 88206 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:58 | Create | Document 5       | Exhibit 22h.JPG   | 88206 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:58 | Create | Foreign Language | No                | 88206 |        | User Change |
| DhsComplaintDocument | 2012-10-16       | Create | Dateentered      | 10/16/2012        | 88206 |        | User        |

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|                      | 12:58            |        |                  |                  |       | (b)(6) | Change      |
| DhsComplaintDocument | 2012-10-16 12:58 | Create | Document 3       | Exhibit 22g.JPG  | 88206 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:58 | Create | Document 1       | Exhibit 22f.JPG  | 88206 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:59 | Create | Document Type    | ROI              | 88207 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:59 | Create | Document 2       | Exhibit 22i.JPG  | 88207 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:59 | Create | Document 4       | Exhibit 22jj.JPG | 88207 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:59 | Create | Document 5       | Exhibit 22k.JPG  | 88207 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:59 | Create | Foreign Language | No               | 88207 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:59 | Create | Dateentered      | 10/16/2012       | 88207 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:59 | Create | Document 3       | Exhibit 22j.JPG  | 88207 |        | User Change |
| DhsComplaintDocument | 2012-10-16 12:59 | Create | Document 1       | Exhibit 22hh.JPG | 88207 |        | User Change |
| DhsComplaintDocument | 2012-10-16 13:00 | Create | Document Type    | ROI              | 88208 |        | User Change |
| DhsComplaintDocument | 2012-10-16 13:00 | Create | Document 2       | Exhibit 22l.JPG  | 88208 |        | User Change |
| DhsComplaintDocument | 2012-10-16 13:00 | Create | Document 4       | Exhibit 22m.JPG  | 88208 |        | User Change |
| DhsComplaintDocument | 2012-10-16 13:00 | Create | Document 5       | Exhibit 22mm.JPG | 88208 |        | User Change |
|                      | 2012-            |        |                  |                  |       |        |             |

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|----------------------|-------------------------|--------|---------------------------|--------------------------------|-------|--------|----------------|
| DhsComplaintDocument | 10-16<br>13:00          | Create | Foreign<br>Language       | No                             | 88208 | (b)(6) | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>13:00 | Create | Dateentered               | 10/16/2012                     | 88208 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>13:00 | Create | Document 3                | Exhibit 22ll.JPG               | 88208 |        | User<br>Change |
| DhsComplaintDocument | 2012-<br>10-16<br>13:00 | Create | Document 1                | Exhibit 22kk.JPG               | 88208 |        | User<br>Change |
| DhsComplaintDocument | 2013-<br>01-09<br>15:42 | Create | Document 1                | (b)(6) Final Close Letter.pdf  | 89061 |        | User<br>Change |
| DhsComplaintDocument | 2013-<br>01-09<br>15:42 | Create | Comments                  | Final Close Docs in (b)(6)     | 89061 |        | User<br>Change |
| DhsComplaintDocument | 2013-<br>01-09<br>15:42 | Create | Foreign<br>Language       | No                             | 89061 |        | User<br>Change |
| DhsComplaintDocument | 2013-<br>01-09<br>15:42 | Create | Document 2                | Final SF Close Memo (b)(6) pdf | 89061 |        | User<br>Change |
| DhsComplaintDocument | 2013-<br>01-09<br>15:42 | Create | Document Type             | Closed Letter                  | 89061 |        | User<br>Change |
| DhsComplaintDocument | 2013-<br>01-09<br>15:42 | Create | Dateentered               | 01/09/2013                     | 89061 |        | User<br>Change |
| DhsComplaintIssue    | 2011-<br>06-16<br>16:54 | Create | City                      | Davis                          | 12960 |        | User<br>Change |
| DhsComplaintIssue    | 2011-<br>06-16<br>16:54 | Create | Incident Date             | 04/26/2011                     | 12960 |        | User<br>Change |
| DhsComplaintIssue    | 2011-<br>06-16<br>16:54 | Create | State                     | California - CA                | 12960 |        | User<br>Change |
| DhsComplaintIssue    | 2011-<br>06-16<br>16:54 | Create | Incident Location<br>Type | Other                          | 12960 |        | User<br>Change |
| DhsComplaintIssue    | 2011-<br>06-16<br>16:54 | Create | (b)(5)                    | (b)(5)                         | 12960 |        | User<br>Change |

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|                             |                  |        |                         |                                                                                       |       |        |             |
|-----------------------------|------------------|--------|-------------------------|---------------------------------------------------------------------------------------|-------|--------|-------------|
| DhsComplaintIssue           | 2011-06-16 16:54 | Create | Ongoing                 | No                                                                                    | 12960 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-06-16 16:54 | Create | Other Incident Location | (b)(6)                                                                                | 12960 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-06-16 16:54 | Create | Country                 | USA                                                                                   | 12960 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-06-16 16:54 | Create | Primary Issue           | Yes                                                                                   | 12960 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-06-16 16:54 | Create | Redirect to Subject     | No                                                                                    | 12960 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-06-16 16:54 | Create | Issue                   | Other, please specify                                                                 | 12960 | (b)(6) | User Change |
| DhsComplaintIssue           | 2012-07-17 12:13 | Update | Incident Location       | Residence                                                                             | 12960 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-09-23 12:11 | Update | Other Issue             |                                                                                       | 12960 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-09-23 12:11 | Update | Situation               | DHS supported activity (not 287(g))                                                   | 12960 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-09-23 12:11 | Update | (b)(5)                  | (b)(5)                                                                                | 12960 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:55 | Update | Comments                | This complaint was made on behalf of herself as property owner and her tenants (b)(6) | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | State                   | California - CA                                                                       | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | Last Name               | (b)(6)                                                                                | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | Phone                   | (b)(6)                                                                                | 21760 | (b)(6) | User Change |
|                             |                  |        |                         | This complaint was made on behalf of her tenants (b)(6)                               |       | (b)(6) |             |

|                             |                  |        |                |                 |       |        |             |
|-----------------------------|------------------|--------|----------------|-----------------|-------|--------|-------------|
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | Comments       | (b)(6)          | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | Country        | USA             | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | Contact Type   | Sender          | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | Zip Code       | 95617           | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | City           | Davis           | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | First Name     | (b)(6)          | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | Middle Name    | (b)(6)          | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | Email          | (b)(6)          | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 16:51 | Create | Address Line 1 | (b)(6)          | 21760 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:00 | Create | State          | California - CA | 21761 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:00 | Create | Last Name      | (b)(6)          | 21761 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:00 | Create | Contact Type   | On Behalf Of    | 21761 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:00 | Create | Zip Code       | 95617           | 21761 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:00 | Create | City           | Davis           | 21761 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16       | Create | First Name     | (b)(6)          | 21761 | (b)(6) | User        |

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|                             | 17:00            |        |                |                 |       | (b)(6) | Change      |
| DhsComplaintPartiesInvolved | 2011-06-16 17:00 | Create | Address Line 1 | (b)(6)          | 21761 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:07 | Create | State          | California - CA | 21762 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:07 | Create | Last Name      | (b)(6)          | 21762 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:07 | Create | Contact Type   | On Behalf Of    | 21762 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:07 | Create | Zip Code       | 95617           | 21762 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:07 | Create | City           | Davis           | 21762 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:07 | Create | First Name     | (b)(6)          | 21762 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:07 | Create | Address Line 1 | (b)(6)          | 21762 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:08 | Create | State          | California - CA | 21763 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:08 | Create | Last Name      | (b)(6)          | 21763 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:08 | Create | Contact Type   | On Behalf Of    | 21763 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:08 | Create | Zip Code       | 95617           | 21763 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:08 | Create | City           | Davis           | 21763 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:08 | Create | First Name     | (b)(6)          | 21763 | (b)(6) | User Change |
|                             | 2011-            |        |                |                 |       |        |             |

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|-----------------------------|-------------------------|--------|----------------|-----------------|-------|--------|----------------|
| DhsComplaintPartiesInvolved | 06-16<br>17:08          | Create | Address Line 1 | (b)(6)          | 21763 | (b)(6) | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:09 | Create | State          | California - CA | 21764 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:09 | Create | Last Name      | (b)(6)          | 21764 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:09 | Create | Contact Type   | On Behalf Of    | 21764 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:09 | Create | Zip Code       | 95617           | 21764 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:09 | Create | City           | Davis           | 21764 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:09 | Create | First Name     | (b)(6)          | 21764 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:09 | Create | Address Line 1 | (b)(6)          | 21764 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:10 | Create | State          | California - CA | 21765 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:10 | Create | Last Name      | (b)(6)          | 21765 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:10 | Create | Contact Type   | On Behalf Of    | 21765 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:10 | Create | Zip Code       | 95617           | 21765 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:10 | Create | City           | Davis           | 21765 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:10 | Create | First Name     | (b)(6)          | 21765 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-16<br>17:10 | Create | Middle Name    | (b)(6)          | 21765 |        | User<br>Change |



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| DhsComplaintPartiesInvolved | 2011-06-16 17:10 | Create | Address Line 1 | (b)(6)          | 21765 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:11 | Create | State          | California - CA | 21766 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:11 | Create | Last Name      | (b)(6)          | 21766 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:11 | Create | Contact Type   | On Behalf Of    | 21766 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:11 | Create | Zip Code       | 95617           | 21766 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:11 | Create | City           | Davis           | 21766 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:11 | Create | First Name     | (b)(6)          | 21766 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:11 | Create | Address Line 1 | (b)(6)          | 21766 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:12 | Create | State          | California - CA | 21767 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:12 | Create | Last Name      | (b)(6)          | 21767 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:12 | Create | Contact Type   | On Behalf Of    | 21767 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:12 | Create | Zip Code       | 95617           | 21767 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:12 | Create | City           | Davis           | 21767 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:12 | Create | First Name     | (b)(6)          | 21767 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16       | Create | Address Line 1 | (b)(6)          | 21767 | (b)(6) | User        |

DHS-004-0000425

|                             |                  |        |                |                 |       |        |             |
|-----------------------------|------------------|--------|----------------|-----------------|-------|--------|-------------|
|                             | 17:12            |        |                |                 |       | (b)(6) | Change      |
| DhsComplaintPartiesInvolved | 2011-06-16 17:14 | Create | State          | California - CA | 21769 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:14 | Create | Last Name      | (b)(6)          | 21769 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:14 | Create | Contact Type   | On Behalf Of    | 21769 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:14 | Create | Zip Code       | 95617           | 21769 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:14 | Create | City           | Davis           | 21769 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:14 | Create | First Name     | (b)(6)          | 21769 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-06-16 17:14 | Create | Address Line 1 | (b)(6)          | 21769 |        | User Change |

**From:** (b)(6)  
**To:** CRCL  
**Subject:** FW: ICE Agent Misconduct - Nashville Fugitive Operations Team  
**Date:** Monday, May 23, 2011 4:45:56 PM  
**Attachments:** (b)(6) Declaration 5-20-11.pdf  
(b)(6) Declaration 5-19-111.pdf  
(b)(6) Signed Declaration 5-19-11.pdf

New complaint.

(b)(6)  
Senior Policy Advisor  
DHS Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC  
202-357-(b)(6)  
(b)(6)@dhs.gov

**WARNING:** This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

**From:** (b)(6)  
**Sent:** Monday, May 23, 2011 4:36 PM  
**To:** (b)(6)  
**Subject:** Fwd: ICE Agent Misconduct - Nashville Fugitive Operations Team

(b)(6) greetings! (b)(6) cc'ed was an excellent law student intern when I was at Holland & Knight LLP. He brought to my attention this DHS enforcement complaint he submitted to your office. It appears compelling and thus I hope your great people can investigate it. Best,

(b)(6)

----- Forwarded message -----

**From:** (b)(6)  
**Date:** Fri, May 20, 2011 at 5:12 PM  
**Subject:** ICE Agent Misconduct - Nashville Fugitive Operations Team  
**To:** (b)(6)  
**Cc:**

(b)(6)

Please see the three attached declarations.

The 'red flag' quotes:

· (b)(6) Decl. ¶¶ 7-11

○ ICE agent says “If it were up to me, he’d be tagged and bagged and on a plane out of here tonight”

· (b)(6) Decl. ¶¶ 4-5

○ ICE agent tells client that his former immigration lawyer, (b)(6) turned him in.

○ ICE agent, in response to client asking why he was being arrested, says “What the fuck are you doing in my country?”

· (b)(6) Decl. ¶ 9; ¶¶ 12-18

○ ICE agent tells client’s wife, after client was arrested, “I don’t care what happens to your husband, so long as he leaves the country. It could be on a plane or in a body bag. It doesn’t matter to me.”

○ ICE agent tells client’s wife that ICE works with her former immigration attorney, and it was this attorney – (b)(6) – who told ICE where to find the client.

Some necessary context:

(b)(6) is pursuing multiple civil rights and FOIA suits against ICE agents on the Nashville Fugitive Operations Team, and he has previously sued ICE agents in the Office of Investigations. His clients have filed complaints w/ CRCL previously. (b)(6) is the only attorney in Tennessee pursuing these sorts of civil claims.

Needless to say, this harassment was incredibly disturbing to the family, who actually believed the ICE agent.

Moreover, such statements would be devastating to (b)(6) ability to represent these clients, were ICE agents allowed to make them with impunity. We see this as a direct retaliation for the current civil rights litigation and motions to suppress & terminate.

Just as disconcerting from a civil rights and professional responsibility perspective, the ICE agent’s statement about “tagged and bagged” and (b)(6) leaving “in a body bag” are as disturbing as they are sadistic. I cannot imagine any legitimate law enforcement purpose for making these statements. Statements like these suggest possible deeper psychological problems that may counsel against allowing this person to run around, armed, arresting people in the hinterlands.

(b)(6)

Law Clerk

Law Office of (b)(6)

(b)(6)

Nashville, TN 37217

(b)(6)

NOT LICENSED TO PRACTICE LAW IN ANY STATE

This email may contain **PRIVILEGED** and **CONFIDENTIAL** information and is intended only for the use of the specific individual(s) to which it is addressed. If you are not an intended recipient of this email, you are hereby notified that any unauthorized use, dissemination or copying of this email or the information contained in it or attached to it is strictly prohibited. If you have received this email in error, please delete it and immediately notify the person named above by reply mail. Thank you.

--  
(b)(6)

The Law Office of (b)(6)

(b)(6)

Takoma Park, MD 20912

Cell  
Office  
Fax  
Email  
Web

(b)(6)

**CONFIDENTIALITY STRICTLY ENFORCED**

--  
(b)(6)

The Law Office of (b)(6)

(b)(6)

Takoma Park, MD 20912

Cell  
Office  
Fax  
Email  
Web

(b)(6)

**CONFIDENTIALITY STRICTLY ENFORCED**

DECLARATION OF (b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body. I am in all respects qualified to make the statements herein. Except where otherwise indicated, these statements are based on personal knowledge.

2. I reside (b)(6) in Lawrenceburg, Tennessee, 38464.

3. On the afternoon of Thursday May 12, 2011, I arrived at the home of my sister, (b)(6) Her address is (b)(6) Lawrenceburg, TN 38464.

4. I walked inside (b)(6) home and into the kitchen, where I found my sister crying. Her two daughters, ages 7 and 10, were crying as well.

5. There was a short man in the kitchen with my sister. I later learned he was an agent of United States Immigration and Customs Enforcement.

6. I asked my sister what happened. She told me ICE had arrested (b)(6) (b)(6) husband.

7. I asked my sister if the neighbors turned (b)(6) in. Through her tears, she said told me, "The [expletive] lawyer we hired years ago, he turned him in. Whoever he can't get legal, he turns them in to ICE and ICE comes and picks them up."

8. The immigration lawyer my sister and brother-in-law hired years ago was (b)(6) (b)(6)

9. As my sister was saying this, I looked at the ICE agent. He looked straight into my eyes. He did not contradict anything (b)(6) said, or indicate that she was mistaken in any way.

10. Then I asked – pleaded with – the ICE agent, "Is there nothing you can do? He's a good man. He pays his taxes. He's got two children!"

11. The ICE agent replied, "If it were up to me, he'd be tagged and bagged and on a plane out of here tonight."

12. I later learned that the phrase "tagged and bagged" is frequently used by military and law enforcement personnel. It refers to the process of putting a toe-tag on a dead body and then placing the corpse into a body bag.

13. When he said this, my sister flew into a rage and I had to restrain her. She screamed at the ICE agent to get the [expletive] out of her house. Two other law

(b)(6)

enforcement agents who were searching (b)(6) bedroom came into the kitchen. One of them – the shorter one who I later learned was a supervisor – told us that the ICE agent was a federal officer and part of their team, and he wasn't going anywhere.

14. Then the same supervisor threatened (b)(6). He said he would call DHS to come pick up her children and take them away. (b)(6) calmed down immediately because although she had just lost her husband, she did not want to do anything to risk losing her children.

15. I was absolutely shocked and appalled at the outrageous, cruel, and hateful conduct of the ICE agent.

16. I was equally upset with (b)(6) former attorney, (b)(6) for turning (b)(6) in to ICE.

17. I only learned that this was untrue when I spoke with (b)(6) office directly on Friday, May 20, 2011.

18. I could identify the two shorter enforcement officials (the ICE agent and the supervisor) who were in (b)(6) house if I were shown a photograph of them.

(b)(6)

Date: 5-20-2011

**DECLARATION OF**

(b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body. I am in all respects qualified to make the statements herein. I am proficient in English and Spanish. Except where otherwise indicated, these statements are based on personal knowledge.
2. On Thursday, May 12, 2011, I was arrested in Lawrenceburg, Tennessee.
3. One of the men who arrested me indicated that he is an agent of Immigration and Customs Enforcement.
4. This agent told me that my former immigration lawyer, (b)(6) of Nashville, Tennessee, turned me in to ICE.

(b)(6)

Date: 5/19/2011



# Declaration of

(b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 USC § 1746

(continued from prior page)

5. When I asked him, <sup>(the ICE agent)</sup> why I was being arrested, he answered "what the fuck are you doing in my country?"  
~~Well,~~ "You remember that you were (b)(6)  
Well, he's the one that turned you in."

(b)(6)

Date 2-1-20

**DECLARATION OF** (b)(6)

I, (b)(6) voluntarily make the following Declaration subject to the laws of perjury in accordance with 28 U.S.C. §1746:

1. My true name is (b)(6) I am an adult, of sound mind and body. I am in all respects qualified to make the statements herein. Except where otherwise indicated, the following statements are based on personal knowledge.

2. I reside at (b)(6) in Lawrenceburg, Tennessee, 38464.

3. On Thursday, May 12, 2011, (b)(6), (b)(7)(C) of the Tennessee 22nd Judicial Circuit Drug Task Force and an Agent of U.S. Immigration and Customs Enforcement ("ICE") arrested my husband at the North End Market on Mahr Avenue in Lawrenceburg.

4. Beginning at 4:27 p.m. on Thursday May 12, a total of three male law enforcement officers came up my driveway and eventually entered my home (b)(6) (b)(6)

5. The first agent indicated he was (b)(6), (b)(7)(C) supervisor. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) This agent said to me, "ICE has your husband in custody."

6. The second agent drove our family's 2009 Nissan Versa into our driveway. My husband had been driving it before he was arrested. This agent (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

7. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) He was an ICE agent.

8. (b)(6), (b)(7)(C) supervisor told me my husband had been arrested and asked my permission to search the house for drugs. When I attempted to ask questions, he stated that the officers had "two grandchildren's graduations to attend, so [they had] to make it quick." They refused to answer any of my questions about why my home needed to be searched.

9. During the search, I was trying to find out what would happen to my husband. The ICE agent responded to me, "I don't care what happens to your husband, so long as he leaves the country. It could be on a plane or in a body bag. It doesn't matter to me."

10. The tall, large-bellied male officer with the goatee was standing within earshot when the ICE agent said this.

11. When the ICE agent said this, I instantly became angry and distraught. I was crying and shaking because I worried for my husband's safety, and for the future of our

two U.S. citizen children, who are 7 and 10 years old, and who were crying and screaming throughout the search of my home.

12. The ICE agent also told me, "I work with (b)(6)

13. (b)(6) was my husband's immigration attorney for a period of time, but we ended our engagement in 2007.

14. I felt betrayed and enraged at (b)(6) for sharing my husband's privileged and confidential information with ICE.

15. The ICE agent told me, (b)(6) is who told me where I could find your husband."

16. Moments later, my sister, (b)(6) entered my kitchen, where I was standing when the ICE agent said this.

17. I repeated the ICE agent's words back to him, "You're saying (b)(6) told you where my husband is?"

18. The agent nodded his head, indicating "yes."

19. The ICE agent also said, "If it weren't for your husband's drug charge, he'd be on his way back to Nashville with me."

20. My husband remained in the Lawrence County Jail until Tuesday, May 17, when he pleaded guilty to Simple Possession of marijuana.

21. On Wednesday, May 18, he was transferred by ICE to the Davidson County Jail.

22. On Thursday, May 19, I visited (b)(6) office in person to demand an explanation for why he would work together with ICE to turn in my husband.

23. (b)(6) and his staff informed me that neither he nor any member of his staff had communicated with ICE regarding me, my husband, or our whereabouts.

24. He and his staff explained that his office is presently suing members of the Nashville ICE Fugitive Operations Team for violations of his clients' civil rights.

25. On Thursday, May 19, I visited my husband in the Davidson County Jail in downtown Nashville. He told me that one of the ICE agents told him after he was arrested that it was his immigration lawyer – (b)(6) who turned him in to ICE.

26. I believe I can identify the ICE agent who entered my home and intentionally tormented and traumatized me.

(b)(6)



Date: 5-19-11

**From:** (b)(6)  
**To:** Liberties, Civil  
**Date:** Wednesday, May 25, 2011 9:27:37 AM  
**Attachments:** DHS CRCL Complaint.pdf

Please see attachment

(b)(6)

*Receptionist*

*Law Offices of* (b)(6)

(b)(6)

*Nashville, TN 37217*

(b)(6)

This transmission is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is confidential, proprietary, privileged or otherwise exempt from disclosure. If you are not the named addressee, you are NOT authorized to read, print, retain, copy or disseminate this communication, its attachments or any part of them. If you have received this communication in error, please notify the sender immediately and delete this communication from all computers. This communication does not form any contractual obligation on behalf of the sender, the sender's employer, or the employer's parent company, affiliates or subsidiaries



## IMMIGRATION LAW OFFICES OF

(b)(6)

Nashville, TN 37217

(b)(6)

*Via e-mail to [civil.liberties@dhs.gov](mailto:civil.liberties@dhs.gov)*

*Via Facsimile to (b)(6)*

*Via certified mail*

May 24, 2011

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Review and Compliance  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, DC 20528

**Re: Gross Misconduct of ICE Nashville  
Fugitive Operations Team Agent**

Dear Officer Schlanger:

This letter constitutes a formal complaint and immediate request for investigation by your office into the conduct of an ICE Fugitive Operations Team agent based in Nashville, Tennessee who has engaged in egregious abuse and misconduct.

On May 12, 2011, the agent, working together with local authorities, arrested (b)(6) in Lawrenceburg, Tennessee. (b)(6) and his wife are former clients of mine.

The ICE agent's egregious misconduct during and after this arrest took two primary forms. First, the agent intentionally and maliciously lied to (b)(6) and his wife by claiming that I (their former immigration attorney) "work with" ICE. He also claimed that I "turned (b)(6) in" to ICE. Second, the agent intentionally tormented (b)(6) family by referring to (b)(6) leaving the United States "in a body bag."

I attach three supporting declarations. All were made under penalty of perjury. All are from witnesses who heard the statements and witnessed the agent's conduct. I am happy to make each of those witnesses available if necessary to corroborate the allegations in their sworn declarations.

**A. "He's the one that turned you in."**

Few things could be more detrimental to an attorney's representation of his clients than a law enforcement official insinuating the attorney has betrayed the clients' trust. This is precisely what the ICE agent did in this case. See Declaration of (b)(6) ¶ 5 ("You remember that you hired (b)(6). Well, he's the one that turned you in."). See also Declaration of (b)(6) ¶ 12 ("I work with (b)(6)"); *id.*, ¶ 15 ((b)(6) is who told me where I could find your husband."). See also Declaration of (b)(6) ¶¶ 7-9.

These statements – which the agent made repeatedly and in front of multiple witnesses – constitute slander per se. Worse still, they represent an attempt to retaliate against me personally and professionally for vigorously representing clients in both federal immigration court and in active civil rights litigation against ICE and specific Fugitive Operations Team agents currently pending in the Middle District of Tennessee. See e.g., *Tapia-Tovar v. Epley*, No. 3:11-cv-00102 (M.D. Tenn.); see also *Ozment v. United States Immigration and Customs Enforcement*, No. 3:11-cv-00429 (M.D. Tenn.). In the context of these and other anticipated civil rights cases of which the Nashville Fugitive Operations Team is well-aware, such statements border on obstruction of justice and may constitute willful violations of 42 U.S.C. § 1981(a).

In sum, the agent's willful misrepresentations seem aimed at undermining trust in me among my current, former, and prospective clients. These actions threaten both my livelihood and my First Amendment and due process rights to advise these clients. This egregious misconduct also threatens my clients' due process rights to competent and effective counsel.

**B. "If it were up to me, he'd be tagged and bagged and on a plane out of here tonight."**

Second, the agent sadistically and repeatedly tormented (b)(6) loved ones by referring to his leaving the United States "in a body bag" and, in a separate instance, after being "tagged and bagged." See Decl. of (b)(6) ¶ 9 ("I don't care what happens to your husband, so long as he leaves the country. It could be on a plane or in a body bag. It doesn't matter to me."). See also Decl. of (b)(6) ¶¶ 11-12 ("If it were up to me, he'd be tagged and bagged and on a plane out of here tonight.").

There can be no legitimate justification for a federal law enforcement officer to engage in such mean-spirited verbal abuse. Given his macabre statements, I am concerned that this agent may be mentally unstable and a danger to himself, his fellow officers, and the public at large.

In addition, the agent's response to (b)(6) perfectly legitimate question – "Why did you arrest me?" – was consistent with his other vitriolic remarks: "What the fuck are you doing in my country?" See Decl. of (b)(6) ¶ 5.

In light of the evidence above, I request an immediate investigation of this agent and his supervision.

Thank you for your assistance and your prompt attention to this matter.

Sincerely,

(b)(6)

Immigration Law Offices of

(b)(6)

(b)(6)

Nashville, TN 37217

(b)(6)

Cc: DHS Office of the Inspector General  
DHS Office of Professional Responsibility  
Mark Wildasin, Assistant United States Attorney, Middle District of Tennessee  
The Honorable Jim Cooper, U.S. Representative for the Fifth District of Tennessee  
The Honorable Zoe Lofgren, Ranking Member, House Judiciary Subcommittee on Immigration Policy and Enforcement





**Homeland  
Security**

July 28, 2011

(b)(6)  
Immigration Law Offices of (b)(6)  
(b)(6)  
Nashville, TN 37217

Re: Contact-DHS-11-0801, (b)(6)

Dear (b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) received information from you on June 3, 2011, concerning the actions of the U.S. Immigration and Customs Enforcement (ICE) Fugitive Operations Team based in Nashville, Tennessee, during the apprehension of (b)(6)  
(b)(6)

Thank you for bringing this incident to our attention. After reviewing the information you provided, we have recorded it so that we can track incidents of this type and in this area looking for patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security (DHS). We also forwarded the information to officials at ICE through the DHS Joint Intake Center (JIC) so they can take whatever action they deem appropriate in investigating this specific incident. If we need additional information in the future, we will contact you. You may also contact the JIC by sending correspondence to:

U.S. Department of Homeland Security  
Joint Intake Center  
P.O. Box 14475  
1200 Pennsylvania Avenue, NW  
Washington, DC 20044

Email: [Joint.Intake@dhs.gov](mailto:Joint.Intake@dhs.gov)

If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to contact CRCL. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,



Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Copy to:

(b)(6)

The Law Office of (b)(6)

(b)(6)

Takoma Park, MD 20912



# Homeland Security

July 28, 2011

MEMORANDUM FOR: U.S. Department of Homeland Security  
Joint Intake Center  
Joint.Intake@dhs.gov

FROM: U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties

SUBJECT: Contact-DHS-11-0801  
(b)(6) on behalf of  
(b)(6)

On June 3, 2011, CRCL received the attached information from (b)(6) on behalf of (b)(6). The information alleges possible violations of civil right or civil liberties by employees or officials of U.S. Immigrations and Customs Enforcement (ICE), as well as possible violations of Other ICE rules and procedures.

CRCL has decided not to open an investigation of this incident at this time. However, we are forwarding the information to ICE for whatever administrative action or inquiry it considers appropriate. ICE does not need to inform CRCL of any action it takes. Please note, however, that if CRCL receives additional information regarding incidents of this type or at this location that suggest a pattern of violations of civil rights or civil liberties, we may open an investigation at a later date.

If you have any questions, please do not hesitate to contact CRCL.

Copies to:

(b)(6),(b)(7)(C)  
Regional Operations Manager, Investigative  
Support Unit  
Office of Professional Responsibility  
U.S. Immigration and Customs Enforcement  
(b)(6),(b)(7)(C)@dhs.gov

(b)(6),(b)(7)(C)  
Office of Professional Responsibility  
U.S. Immigration and Customs Enforcement  
(b)(6),(b)(7)(C)@dhs.gov

Enclosures

*Protected by Attorney-Client and Deliberative Process Privileges*

## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: Contact-DHS-11-0801 11-08-ICE-0268 (b)(6)

| Data Object  | Date             | Event  | Field                  | New Value                                                                                                                                                                                                  | Tracking Id | User   | Reason      |
|--------------|------------------|--------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------------|
| DhsComplaint | 2011-06-02 17:47 | Update | Summary                | On May 23, 2011, CRCL received email correspondence from (b)(6) which he originally received from (b)(6) of Law Office of (b)(6) on behalf of (b)(6) and his family who allege that on May 12, 2011 at Mr. | 7573        | (b)(6) | User Change |
| DhsComplaint | 2011-06-02 17:47 | Update | Executive Summary      | On May 23, 2011, CRCL received email correspondence from (b)(6) which he originally received from (b)(6) of Law Office of (b)(6) on behalf of (b)(6) and his family who allege that on May 12, 2011 at Mr. | 7573        |        | User Change |
| DhsComplaint | 2011-06-02 16:12 | Create | Component Referenced   | ICE                                                                                                                                                                                                        | 7573        |        | User Change |
| DhsComplaint | 2011-06-02 16:12 | Create | Summary                | On May 23, 2011, CRCL received email correspondence from (b)(6) which he originally received from (b)(6) of Law Office of (b)(6) on behalf of (b)(6) and his family who allege that on May 12, 2011 at Mr. | 7573        |        | User Change |
| DhsComplaint | 2011-06-02 16:12 | Create | Executive Summary      | On May 23, 2011, CRCL received email correspondence from (b)(6) which he originally received from (b)(6) of Law Office of (b)(6) on behalf of (b)(6) and his family who allege that on May 12, 2011 at Mr. | 7573        |        | User Change |
| DhsComplaint | 2011-06-02 16:12 | Create | Allegation             | (CR/CL) Civil Rights/Civil Liberty                                                                                                                                                                         | 7573        |        | User Change |
| DhsComplaint | 2011-06-02 16:12 | Create | Days to Process        | 10                                                                                                                                                                                                         | 7573        |        | User Change |
| DhsComplaint | 2011-06-02 16:12 | Create | Date to CRCL           | 05/23/2011                                                                                                                                                                                                 | 7573        |        | User Change |
| DhsComplaint | 2011-06-02 16:12 | Create | Date to DHS            | 05/23/2011                                                                                                                                                                                                 | 7573        |        | User Change |
| DhsComplaint | 2011-06-02       | Create | Date on Correspondence | 05/23/2011                                                                                                                                                                                                 | 7573        |        | User Change |

DHS-004-0000444

|                    |                  |        |                    |                                       |        |        |             |
|--------------------|------------------|--------|--------------------|---------------------------------------|--------|--------|-------------|
|                    | 16:12            |        |                    |                                       |        | (b)(6) |             |
| DhsComplaint       | 2011-06-02 16:12 | Create | Sender Type        | NGO/Organization                      | 7573   |        | User Change |
| DhsComplaint       | 2011-06-02 16:12 | Create | Method of Receipt  | Email                                 | 7573   |        | User Change |
| DhsComplaint       | 2011-06-02 16:12 | Create | Entry Date         | 06/02/2011                            | 7573   |        | User Change |
| DhsComplaintAction | 2011-07-29 16:03 | Create | Internal Summary   | Summary to be added later.            | 105644 |        | User Change |
| DhsComplaintAction | 2011-07-29 16:03 | Create | Action Date        | 07/29/2011                            | 105644 |        | User Change |
| DhsComplaintAction | 2011-07-29 16:03 | Create | Reporting Summary  | Summary to be added later             | 105644 |        | User Change |
| DhsComplaintAction | 2011-07-29 16:03 | Create | Action             | Closed - Short Form/No Further Action | 105644 |        | User Change |
| DhsComplaintAction | 2011-07-29 16:02 | Create | Action Date        | 07/29/2011                            | 105643 |        | User Change |
| DhsComplaintAction | 2011-07-29 16:02 | Create | Action             | Short Form                            | 105643 |        | User Change |
| DhsComplaintAction | 2011-07-29 16:01 | Create | Action Date        | 07/29/2011                            | 105642 |        | User Change |
| DhsComplaintAction | 2011-07-29 16:01 | Create | Primary Assignment | (b)(6)                                | 105642 |        | User Change |
| DhsComplaintAction | 2011-07-29 16:01 | Create | Action             | Back from Officer                     | 105642 |        | User Change |
| DhsComplaintAction | 2011-07-29 15:59 | Create | Action Date        | 07/29/2011                            | 105641 |        | User Change |
| DhsComplaintAction | 2011-07-29 15:59 | Create | Action             | Open a Complaint                      | 105641 |        | User Change |
|                    | 2011-            |        |                    |                                       |        |        |             |

|                      |                     |                          |                                                                                                                                                                                                                                                              |        |        |             |
|----------------------|---------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
| DhsComplaintAction   | 08-29<br>17:35      | Update Document          | CRCL Close Letter Contact-DHS-11-0801.pdf                                                                                                                                                                                                                    | 105644 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-08-29<br>17:35 | Update Internal Summary  | Inappropriate Comments by ICE Agents During Apprehension in Nashville: CRCL received a complaint on May 23, 2011, from (b)(6) regarding the actions of the ICE Fugitive Operations Team in Nashville, Tennessee, during the apprehension of his              | 105644 |        | User Change |
| DhsComplaintAction   | 2011-08-29<br>17:35 | Update Reporting Summary | Inappropriate Comments by ICE Agents During Apprehension in Nashville: CRCL received a complaint on May 23, 2011, from an attorney regarding the actions of the ICE Fugitive Operations Team in Nashville, Tennessee, during the apprehension of his client. | 105644 |        | User Change |
| DhsComplaintDocument | 2011-08-01<br>16:07 | Update Document 2        | CRCL Close Letter and Memo Contact-DHS-11-0801.pdf                                                                                                                                                                                                           | 84660  |        | User Change |
| DhsComplaintDocument | 2011-06-02<br>16:19 | Create Foreign Language  | No                                                                                                                                                                                                                                                           | 84072  |        | User Change |
| DhsComplaintDocument | 2011-06-02<br>16:19 | Create Document Type     | Incoming Letter                                                                                                                                                                                                                                              | 84072  |        | User Change |
| DhsComplaintDocument | 2011-06-02<br>16:19 | Create Document 1        | 5 23 2011 (b)(6).pdf                                                                                                                                                                                                                                         | 84072  |        | User Change |
| DhsComplaintDocument | 2011-06-02<br>16:19 | Create Dateentered       | 06/02/2011                                                                                                                                                                                                                                                   | 84072  |        | User Change |
| DhsComplaintDocument | 2011-07-28<br>17:54 | Create Foreign Language  | No                                                                                                                                                                                                                                                           | 84660  |        | User Change |
| DhsComplaintDocument | 2011-07-28<br>17:54 | Create Document 1        | CRCL Close Letter Contact-DHS-11-0801.pdf                                                                                                                                                                                                                    | 84660  |        | User Change |
| DhsComplaintDocument | 2011-07-28<br>17:54 | Create Document Type     | Closed Letter                                                                                                                                                                                                                                                | 84660  |        | User Change |
| DhsComplaintDocument | 2011-07-28<br>17:54 | Create Dateentered       | 07/28/2011                                                                                                                                                                                                                                                   | 84660  |        | User Change |
| DhsComplaintDocument | 2011-06-06<br>09:48 | Create Document Type     | Incoming Letter                                                                                                                                                                                                                                              | 84098  |        | User Change |
| DhsComplaintDocument | 2011-06-06          | Create Comments          | Copy of correspondence CRCL received by email and fax                                                                                                                                                                                                        | 84098  |        | User Change |

DHS-004-0000446

|                             |                  |        |                        |                                                    |       |  |        |             |
|-----------------------------|------------------|--------|------------------------|----------------------------------------------------|-------|--|--------|-------------|
|                             | 09:48            |        |                        |                                                    |       |  | (b)(6) |             |
| DhsComplaintDocument        | 2011-06-06 09:48 | Create | Dateentered            | 06/06/2011                                         | 84098 |  |        | User Change |
| DhsComplaintDocument        | 2011-06-06 09:48 | Create | Foreign Language       | No                                                 | 84098 |  |        | User Change |
| DhsComplaintDocument        | 2011-06-06 09:48 | Create | Document 1             | 6 3 2011 (b)(6).pdf                                | 84098 |  |        | User Change |
| DhsComplaintDocument        | 2011-06-02 17:13 | Update | Document 2             | 5 25 2011 (b)(6) letter from (b)(6) Law Office.pdf | 84072 |  |        | User Change |
| DhsComplaintIssue           | 2011-10-20 14:23 | Update | Situation              | DHS law enforcement activity                       | 12909 |  |        | User Change |
| DhsComplaintIssue           | 2011-06-02 16:36 | Create | Primary Issue          | Yes                                                | 12909 |  |        | User Change |
| DhsComplaintIssue           | 2011-06-02 16:36 | Create | Ongoing                | No                                                 | 12909 |  |        | User Change |
| DhsComplaintIssue           | 2011-06-02 16:36 | Create | City                   | Lawrenceburg                                       | 12909 |  |        | User Change |
| DhsComplaintIssue           | 2011-06-02 16:36 | Create | Redirect to Subject    | No                                                 | 12909 |  |        | User Change |
| DhsComplaintIssue           | 2011-06-02 16:36 | Create | Incident Location Type | Residence                                          | 12909 |  |        | User Change |
| DhsComplaintIssue           | 2011-06-02 16:36 | Create | State                  | Tennessee - TN                                     | 12909 |  |        | User Change |
| DhsComplaintIssue           | 2011-06-02 16:36 | Create | (b)(5)                 | (b)(5)                                             | 12909 |  |        | User Change |
| DhsComplaintIssue           | 2011-06-02 16:36 | Create | Incident Date          | 05/12/2011                                         | 12909 |  |        | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:33 | Create | First Name             | (b)(6)                                             | 21665 |  |        | User Change |

|                             |                         |        |                |                |       |        |                |
|-----------------------------|-------------------------|--------|----------------|----------------|-------|--------|----------------|
| DhsComplaintPartiesInvolved | 06-02<br>16:33          | Create | Phone          | (b)(6)         | 21665 | (b)(6) | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:33 | Create | Alt Phone      | (b)(6)         | 21665 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:33 | Create | Email          | (b)(6)         | 21665 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:33 | Create | Contact Type   | Source         | 21665 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:33 | Create | Prefix         | Mr             | 21665 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:33 | Create | Last Name      | (b)(6)         | 21665 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:31 | Create | First Name     | (b)(6)         | 21664 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:31 | Create | City           | Lawrenceburg   | 21664 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:31 | Create | State          | Tennessee - TN | 21664 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:31 | Create | Contact Type   | Witness        | 21664 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:31 | Create | Address Line 1 | (b)(6)         | 21664 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:31 | Create | Middle Name    | (b)(6)         | 21664 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:31 | Create | Prefix         | Mrs            | 21664 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:31 | Create | Zip Code       | 38464          | 21664 |        | User<br>Change |
| DhsComplaintPartiesInvolved | 2011-<br>06-02<br>16:31 | Create | Last Name      | (b)(6)         | 21664 |        | User<br>Change |



|                             |                  |        |              |              |       |        |             |
|-----------------------------|------------------|--------|--------------|--------------|-------|--------|-------------|
| DhsComplaintPartiesInvolved | 2011-06-02 16:28 | Create | First Name   | (b)(6)       | 21663 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:28 | Create | Contact Type | Witness      | 21663 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:28 | Create | Prefix       | Mrs          | 21663 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:28 | Create | Last Name    | (b)(6)       | 21663 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:26 | Create | First Name   | (b)(6)       | 21662 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:26 | Create | Contact Type | On Behalf Of | 21662 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:26 | Create | Middle Name  | (b)(6)       | 21662 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:26 | Create | Prefix       | Mr           | 21662 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:26 | Create | Last Name    | (b)(6)       | 21662 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:23 | Create | First Name   | (b)(6)       | 21661 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:23 | Create | Phone        | (b)(6)       | 21661 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:23 | Create | Email        | (b)(6)       | 21661 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:23 | Create | Contact Type | Sender       | 21661 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02 16:23 | Create | Prefix       | Mr           | 21661 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-06-02       | Create | Last Name    | (b)(6)       | 21661 | (b)(6) | User        |

DHS-004-0000449

16:23

Change

DHS-004-0000450

**From:** (b)(6)  
**To:**  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-10-ICE-0287  
**Date:** Thursday, August 25, 2011 11:06:01 AM

---

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6)  
**Sent:** Tuesday, August 23, 2011 12:53 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** CRCL Complaint Number 11-10-ICE-0287

(b)(6)

Summary of new complaint for your review:

On July 18, 2011, CRCL received an Exec Sec tasker (WF#915306) in regards to correspondence dated July 13, 2011 sent to Secretary Janet Napolitano, from (b)(6) of United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), alleging incidents of profiling and conditions of detention in the Detroit, Michigan area involving ICE and CBP.

(b)(6) of UAW on behalf of (b)(6) alleges that one morning in January 2011 in her own home in (b)(6) Pontiac, Michigan, ICE agents burst through her door, held up what they claimed was a warrant that (b)(6) could not verify what the document said, then demanded to know the whereabouts of (b)(6). (b)(6) stated that she (b)(6) did not live with her, then the agents handcuffed (b)(6) stating that she was an "illegal", which (b)(6) protested. Finally, after 20 minutes of arguing, (b)(6) was able to direct the agents to her passport, verifying that she is a US citizen, subsequently, ICE departed warning that they would be back for (b)(6).

(b)(6) of UAW on behalf of (b)(6) alleging that on the afternoon of February 12, 2011, a Cincinnati family was at home when they heard a soft knock on the door, then ICE Immigration Agents burst in without a warrant. Allegedly, ICE only showed the family a picture of an unfamiliar Latino man,

then without provocation shoved (b)(6) husband against the wall so hard that he broke through the drywall.

(b)(6) of UAW on behalf of (b)(6) alleging that on April 7, 2011 in Wixom, Michigan, ICE detained (b)(6) outside his home, and although (b)(6) did not give ICE consent to enter his house, they did so anyway, refused to show a search warrant to (b)(6) (b)(6) a US citizen who was inside the home and subsequently interrogated by ICE about his immigration status.

Thank you.

-----

(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

**From:** (b)(6)  
**To:** CRCL: (b)(6),(b)(7)(C)  
**Subject:** FW: UAW letter alleging CR violations  
**Date:** Thursday, July 21, 2011 4:35:47 PM  
**Attachments:** 11-3201 (b)(6) 07.13.11.pdf

As discussed

**From:** (b)(6),(b)(7)(C)  
**Sent:** Tuesday, July 19, 2011 4:11 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** FW: UAW letter alleging CR violations

(b)(6),(b)(7)(C) Special Agent  
CBP Internal Affairs  
Investigative Operations Division  
202-(b)(6),(b)(7)(C)

**From:** Blumberg, Jeffrey [mailto:(b)(6)@dhs.gov]  
**Sent:** Tuesday, July 19, 2011 4:04 PM  
**To:** (b)(6) (b)(6),(b)(7)(C)  
**Subject:** FW: UAW letter alleging CR violations

FYI

**From:** Schlanger, Margo  
**Sent:** Monday, July 18, 2011 12:16 PM  
**To:** Blumberg, Jeffrey; Kessler, Tamara  
**Subject:** FW: UAW letter alleging CR violations

FYI. Let's discuss tomorrow.

---

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
202-357-(b)(6)  
(b)(6)@dhs.gov  
<http://www.dhs.gov/crcl>



Homeland  
Security



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA - UAW

(b)(6)

PRESIDENT

(b)(6)

SECRETARY-TREASURER

VICE-PRESIDENTS: (b)(6)

July 13, 2011

Secretary Janet Napolitano  
U. S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Napolitano:

It was great meeting with you back on April 27, 2011. We greatly appreciate your passion and support of immigrant civil rights.

As you are aware, we have been attempting to confront numerous issues relating to the operations of Department of Homeland Security in the Detroit area. We have documented many abuses by Immigrations and Customs Enforcement (ICE) and Customs and Border Protection (CBP) Detroit offices, which have jurisdiction over both Michigan and Ohio. Though the abuse is generally worse in and around Detroit, we have received reports of serious problems throughout this jurisdiction.

Below are highlights from the latest cases we have gathered, and they demonstrate a worrisome pattern. The management of these offices seem unwilling or unable to control the actions of their field officers, leading to a pattern of infringement on 4<sup>th</sup> Amendment rights and internal civil rights policies.

We were certainly encouraged by the personal attention of ICE Director Morton to these problems, particularly the ICE enforcement actions at Hope of Detroit Academy. However, despite the promise of a 30-day review, it has been nearly three months since our meeting. In fact, Congressmen Conyers and Clarke had to intervene personally, leading public hearings and demonstrations in Detroit last week, before Director Morton's office contacted us to schedule a briefing on the report. Yet, some victims still remain to be interviewed by ICE OPR. We anxiously await the results of the investigation, and hope that it will lead to the accountability our community requires.

In the meantime, we have documented a dramatic increase in profiling and abuse by CBP. Startlingly, CBP seems to be targeting a local social service agency (Latino Family Services) for enforcement actions. Though CBP lacks the "sensitive community locations" policy of ICE, surely this is beyond the pale. Additionally, our partner organization, the Council on American Islamic Relations - Michigan, has documented a widespread pattern of profiling and harassment of Muslims at the Detroit/Windsor crossing.

These issues have contributed to an atmosphere of fear and intimidation in Metro-Detroit. Trust between immigrant communities and law enforcement is breaking down. This is particularly worrisome in a time when community cooperation is so important to our national security. The latest cases are as follows:

Non Responsive

Non Responsive

### ICE Abuse Cases

Non Responsive



### **Pontiac, MI: US Citizen Handcuffed, Detained in Own Home**

One morning In January 2011, at her home in Walton Manor Trailer Park, (b)(6) heard a knock on her door and opened it. ICE agents burst through the door, and held what they claimed was a warrant in her face.

She was unable to verify what the document said. Agents demanded to know the whereabouts of (b)(6) and (b)(6) told them that he did not live with her.

Agents then handcuffed (b)(6) demanded to know why she was being handcuffed, and agents responded, "Because you're illegal." (b)(6) protested that she was a US Citizen. The agents laughed and refused to believe her. She argued with the agents for 20 minutes until she was able to direct them to her passport. After the agents scanned the passport, (b)(6) was released and the agents departed, warning that they would be back for (b)(6)

Non Responsive

### **Cincinnati, OH: Immigrant Shoved Through Wall**

On the afternoon of February 12, 2011, a Cincinnati family was at home when they heard what the mother, (b)(6) described as a "soft, childlike knock on the door." When they answered the door, immigration agents burst in, and proceeded to search the apartment aggressively. They did not show the family a warrant, but did show a picture of an unfamiliar Latino man. The agents man-handled (b)(6) husband without provocation, and shoved the man against the wall so hard that he broke through the drywall. The Detroit ICE office has jurisdiction over Ohio.

### **Detroit, MI: ICE Illegally Searched Home, Failed to Provide Proper Medical Care to Pregnant Woman**

On March 23, 2011, (b)(6) returned to his home to find ICE agents outside. They asked for his brother, and (b)(6) told him that he did not live with him. The agents asked to perform a search, and (b)(6) denied them permission asked to see a warrant. The agents only showed (b)(6) a badge, and (b)(6) reiterated that they did not have permission to enter his home. They entered anyway, and found his wife, (b)(6) who was six months pregnant at the time. ICE detained (b)(6) separating her from her husband and three U.S. citizen children. When (b)(6) came to the (b)(6)

(b)(6) ICE facility to bring his wife her medication, ICE agents refused to give (b)(6) the medicine. (b)(6) was also denied appropriate access to doctors and nutritious food while in immigration jail.

Non Responsive

### **Detroit, MI: ICE Agent Used Child as Bait**

On April 4, 2011, 15 year-old (b)(6) was outside his home when a law enforcement officer approached him. The officer told the boy that he was with the Detroit Police Department and needed to speak to his father about a traffic ticket. The agent asked (b)(6) to get his father to discuss the matter. (b)(6) complied, and asked his father to come out to speak with the agents. As soon as he exited the home, (b)(6) Father, (b)(6) was immediately detained and arrested. (b)(6) noticed at this point that the officer had a badge that said "ICE." (b)(6) was shoved inside the home by the officer and denied the ability to translate for his father. ICE then demanded that (b)(6) bring his mother outside so they could arrest her. He refused to do so, and ICE left with (b)(6) father after making numerous threats.

Non Responsive

### **Wixom, MI: ICE Illegally Searched Home, Interrogated U.S. Citizen**

On April 7, 2011, ICE agents detained (b)(6) outside his home. Although he did not give the officers consent to enter the house, they did so anyway. There they found U.S. citizen (b)(6) who was sleeping. (b)(6) asked what they were doing there and whether they had a warrant. Officers did not show (b)(6) a warrant, but instead demanded to see his identification. Officers left, with (b)(6) in custody, after (b)(6) claimed he was a US Citizen.

### **February, 2011, Grand Rapids: ICE Arrests and Assaults USC and LPR**

*(This case is currently the subject of a Freedom of Information Act request by the American Civil Liberties Union – Michigan)*

In February, (b)(6) who has lived in the United States for almost 22 years, and her son, (b)(6) a college student at Grand Rapids Community College who was born in the U.S., drove to the home of relatives to allow their 6-year-old cousin to play with (b)(6) new puppy. As they pulled the car into the driveway, unidentified ICE agents ran toward them. An agent pointed a gun at (b)(6) and ordered him to show ID. Both (b)(6)

produced their valid driver's license and ICE agents demanded that they get out of the car.

(b)(6) was handcuffed and escorted to the back of the car where an agent held a gun to her back and repeatedly banged her head into the trunk of the car yelling at her to admit she was (b)(6) screamed out in pain and fear. (b)(6) was handcuffed, and both (b)(6) were escorted into an apartment where they were interrogated.

Again, thank you for your support and concern. We trust that you will bring these issues to the attention of the appropriate officials within DHS. If you have any questions, I can be reached at (313) (b)(6)

Sincerely,

(b)(6)

Interational Union, UAW

CE:

(b)(6)

(b)(6)

c:

(b)(6)

**From:** (b)(6)  
**To:** CRCL  
**Subject:** FW: Task Request: S1 Correspondence UAW (b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28  
**Date:** Tuesday, July 26, 2011 3:25:35 PM  
**Attachments:** 7-13-2011 (b)(6) UAW letter to DHS re ICE and CBP in Detroit.pdf  
7-13-2011 UAW letter to DHS re ICE and CBP in Detroit (marked with CRCL notes from JICMS research 7-21-2011).pdf  
Detroit AIR Allegations and Findings ICE ERO 07 08 11.docx

**From:** (b)(6)  
**Sent:** Tuesday, July 26, 2011 3:23 PM  
**To:** (b)(6)  
**Subject:** FW: Task Request: S1 Correspondence UAW (b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

Please log in the UAW letter to S1 (assigned as a tasker to CRCL for component response) as a new Contact. It deals with ICE and CBP operations in the Detroit, Michigan area. Issues include profiling and conditions of detention.

Compliance is considering how to handle the complaints raised in the letter. (b)(5)

(b)(5)

(b)(5)

I'll keep you posted.

Non Responsive

Attached FYI are the following:

- UAW's 7/13/2011 letter to S1 regarding alleged civil rights violations by ICE and CBP in the Detroit area
- the same UAW 7/13/2011 letter, including (b)(6),(b)(7)(C) handwritten notes (b)(5)

(b)(5)

- ICE ERO document setting forth Alliance for Immigrant Rights and Reform Michigan (AIR)'s allegations and ICE OPR findings . (This was sent separately to Margo by ICE. I'll forward you an email forwarding that)

*The allegations were reported to ICE OPR and DHS OIG in a letter from Rep. John Conyers in April 2011.* (b)(5)

(b)(5),(b)(6),(b)(7)(C)

Thanks,

(b)(6)

**From:** Blumberg, Jeffrey  
**Sent:** Friday, July 22, 2011 9:47 AM  
**To:** (b)(6)

**Subject:** FW: Task Request: S1 Correspondence UAW/(b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

**From:** (b)(6) [mailto:(b)(6)@dhs.gov] **On Behalf Of** CRCL Exec Sec  
**Sent:** Monday, July 18, 2011 1:05 PM  
**To:** Blumberg, Jeffrey; (b)(6) Kessler, Tamara; Gersten, David  
**Subject:** Task Request: S1 Correspondence UAW/(b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

**Subject:** S1 Correspondence UAW/(b)(6) re: Alleged CBP, ICE Civil Rights Violations (WF #915306) - DUE 7/28

**Due Date:** Thursday, July 28, 2011

**Status:** Not Started

**Percent Complete:** 0%

**Total Work:** 0 hours

**Actual Work:** 0 hours

**Owner:** 'Jeffrey.Blumberg@dhs.gov'; (b)(6)  
'Kessler, Tamara'; Gersten, David

-----  
Lead: Compliance  
Cc: Tamara, Margo

(b)(6)

-----Original Message-----

**From:** (b)(6)@dhs.gov  
**Sent:** Monday, July 18, 2011 12:16 PM  
**To:** CRCL Exec Sec  
**Subject:** Workflow Routing Alert (Contact 915306) (Intranet Quorum IMA003075127)

User (b)(6) has queued the following Workflow for (b)(6) People ID #7361778, to you and others with the Routing Note:

CRCL: Please have your Component Head reply direct and cc ESEC by 8/1/2011. Thank you.

<https://IQ.dhs.gov/iq/workflowhome.aspx?showfolder=workflow&showcontent=ID915306&iAccount=IQ>

Duplicate

(b)(5)

Duplicate

(b)(5)



Duplicate

(b)(5)

Duplicate

(b)(5)

Duplicate

(b)(5)

**From:** (b)(6)  
**To:** CRCL  
**Subject:** FW: UAW letter alleging CR violations  
**Date:** Tuesday, July 26, 2011 3:28:36 PM  
**Attachments:** Detroit AIR Allegations and Findings 07.08.11.docx

Yesterday I received the email thread below with attachment within Compliance as background info for the UAW letter re ICE and CBP.

Please log this in as supplemental to that UAW Contact. CRCL does not have the ICE OPR ROIs on the matters described in the attachment.

Thanks,

(b)(6)  
202-357-(b)(6)  
(b)(6)@hq.dhs.gov

**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Monday, July 18, 2011 12:20 PM  
**To:** Schlanger, Margo; (b)(6),(b)(7)(C)  
**Subject:** RE: UAW letter alleging CR violations

Hi Margo – I believe (b)(6) is on AL this week. As I mentioned last week we are set to respond back to the Detroit NGOs on the Hope Academy incident and several other allegations – many of which are in the letter. Here is the OPR/ERO review of those incidents – the attached document will be serving as our TPs when (b)(6),(b)(7)(C) I do the VTC NGO meeting this Friday 7/22. (b)(5)

(b)(5)

(b)(6),(b)(7)(C)  
Senior Public Engagement Officer  
Office of State, Local and Tribal Coordination  
U.S. Immigration and Customs Enforcement  
202 (b)(6),(b)(7)(C) Direct  
202 (b)(6),(b)(7)(C) BlackBerry  
202 (b)(6),(b)(7)(C) Cell

General Inquiries: [ICEPublicEngagement@dhs.gov](mailto:ICEPublicEngagement@dhs.gov)  
Personal E-mail: (b)(6),(b)(7)(C)@dhs.gov

**From:** Schlanger, Margo [mailto:Margo.Schlanger@dhs.gov]  
**Sent:** Monday, July 18, 2011 12:13 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** FW: UAW letter alleging CR violations

Hey (b)(6),(b)(7)(C)

This letter has just been tasked to CRCL to respond. (b)(5)

(b)(5)

Thanks,

Margo

---

Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
202-357-(b)(6)  
(b)(6)@dhs.gov  
<http://www.dhs.gov/crcl>



Homeland  
Security

**From:** (b)(6)  
**To:** CRCL  
**Subject:** FW: relating to UAW letter  
**Date:** Tuesday, July 26, 2011 3:24:54 PM  
**Attachments:** Conyers Letter.pdf

Rep. Conyers letter -- This doc should be considered supplemental background information to the UAW letter.

(b)(6), (b)(7)(f) found this copy in JICMS yesterday. Some of the allegations involving ICE raised in the attachment were also raised in the UAW's letter.

Thanks,

(b)(6)  
202-357-(b)(6)  
(b)(6)@hq.dhs.gov

**From:** (b)(6)  
**Sent:** Monday, July 25, 2011 2:27 PM  
**To:** (b)(6)  
**Subject:**

FYI -

(b)(6)  
Deputy Director Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Tel (202) 357-(b)(6)

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.



**Homeland  
Security**

July 29, 2011

(b)(6)

International Union

United Automobile, Aerospace & Agricultural Implement Workers of America  
8000 East Jefferson Avenue  
Detroit, Michigan 48214

Dear (b)(6)

Thank you for your July 13, 2011 letter to Secretary of Homeland Security Janet Napolitano, concerning a large number of alleged civil rights violations, in Michigan and Ohio, by U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) personnel. The Secretary has asked me to respond.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the DHS Office for Civil Rights and Civil Liberties (CRCL) CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security. For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

As you know, a number of the incidents you mention had already been brought to DHS's attention, and ICE's Office of Professional Responsibility has, in fact, just completed its inquiry into the existence of personnel misconduct for several of them; CRCL will be reviewing ICE's investigative reports and considering whether the incidents in question suggest the need for any changes to policy or policy implementation. For others, your letter provides the first information CRCL has received about the allegations. We are, accordingly, reviewing the issues raised.

A member of my staff will contact you once our review is complete. If you have additional information you wish to send to us, please submit the information by e-mail to [crcl@dhs.gov](mailto:crcl@dhs.gov), by facsimile to 202-401-4708, or by standard mail to the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

Thank you again for your letter. Communications like yours provide essential assistance in CRCL's role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. Please do not hesitate to contact me if I can be of further assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Margo Schlanger". The signature is written in a cursive, flowing style.

Margo Schlanger  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security





Homeland  
Security

November 22, 2011

(b)(6)

International Union, UAW  
8000 East Jefferson Avenue  
Detroit, MI 48214

Re: Complaint No. 11-10-ICE-0287

(b)(6)

Dear (b)(6)

This letter is a follow-up to the letter the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on July 18, 2011, regarding DHS operations in the Detroit area. In particular, I am writing about the allegations in your letter related to (b)(6). Specifically, you alleged that agents of U.S. Immigrations and Customs Enforcement (ICE) entered the home of (b)(6) who is a U.S. citizen, with what they claimed was a warrant, handcuffed her, and detained her until the agents confirmed that she is a U.S. citizen. You alleged that ICE agents entered (b)(6) apartment without authorization and in search of a man she and her husband did not know, searched the apartment, arrested her husband, and pushed her husband hard enough against a wall during his arrest that her husband broke through the drywall. Finally, you alleged that ICE agents detained a relative of (b)(6) who is a U.S. citizen, outside (b)(6) home, entered the home without authorization where they encountered (b)(6) demanded to see (b)(6) identification, and left only after learning he is a U.S. citizen.

In a letter sent to you on July 29, 2011, CRCL informed you that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, we would review the information you submitted, as well as any information available from ICE about its inquiries into these matters, and determine whether the incidents suggest the need for any changes to policy or policy implementation. ICE's Office of Professional Responsibility (OPR) investigated each of these incidents and forwarded its Reports of Investigation (ROIs) to CRCL. As part of its investigations, ICE OPR interviewed witnesses and reviewed documents and information related to the incidents. CRCL received the conclusions contained in the final ROIs and concurred in the findings. The ICE ROIs reached the conclusions described below.

Regarding the allegations relating to (b)(6) OPR made several attempts through her attorney to contact (b)(6) and schedule an interview but ultimately was not successful. Through other investigative steps, ICE determined that its agents were not involved in the incident described in your letter and referred the matter to the Office of the Inspector General at the U.S. Department of Justice for its review. Regarding the allegations relating to (b)(6) the evidence gathered by OPR did not substantiate the allegations against the ICE agents. Finally, regarding the allegations relating to (b)(6) the evidence gathered by OPR did not substantiate the allegations against the ICE agents, and OPR learned that (b)(6) did not have any complaint with the behavior of the agents.

Accordingly, based on our review of the facts and circumstances presented in this matter, we have concluded that your concerns have been addressed and we are closing the complaint that contains these three allegations. Nevertheless, CRCL has a separate investigation open that is examining ICE's policies regarding agents obtaining consent to conduct a search. As we complete the other investigation, we will take account of these three incidents and incorporate information about them as appropriate when we formulate our report and recommendations to ICE about any issues we find in that investigation. Also, please note that CRCL will still be in contact with you about the remaining unresolved allegations included in your letter.

We appreciate your bringing these matters to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

## COMPLAINT CLOSURE RECOMMENDATION

TO: Tamara J. Kessler, Deputy Officer for Programs and Compliance  
FROM: (b)(6) Senior Policy Advisor, Compliance Branch  
DATE: November 22, 2011  
RE: Complaint No. 11-10-ICE-0287, UAW  
(b)(6)

### Recommendation:

(b)(5)

### Complaint Synopsis:

---

CRCL received a letter on July 18, 2011, from (b)(6) International Union, UAW, containing numerous allegations relating to DHS operations in the Detroit area. This particular CRCL complaint includes allegations about three separate incidents involving (b)(6)

Regarding (b)(6) who is a U.S. citizen, the letter alleges that ICE agents entered her home in Pontiac, Michigan, with what they claimed was a warrant, handcuffed her, and detained and questioned her in her own home until the agents confirmed that she is a U.S. citizen. Regarding (b)(6) the letter alleges that ICE agents entered her apartment in Cincinnati, Ohio, without authorization and in search of a man she and her husband did not know, searched the apartment, arrested her husband, and pushed her husband hard enough against a wall during his arrest that her husband broke through the drywall. Regarding (b)(6) who is a U.S. citizen, the letter alleges that ICE agents detained his wife's cousin, (b)(6) outside his home in Wixom, Michigan, entered the home without authorization where they encountered (b)(6) demanded to see (b)(6) identification, and left only after learning he is a U.S. citizen.

---

### Suggested Closure Method(s):

(b)(5)

### Explanation (Attach any relevant information used in making the recommendation):

CRCL grouped these three allegations together into one complaint. By the time CRCL opened the complaint, ICE had already been notified of the allegations and ICE OPR had conducted an investigation of each. ICE OPR's conclusions were as follows:

(b)(5),(b)(6)

**Conclusion:**

ICE OPR conducted sufficient investigations into the three incidents consolidated in this complaint. OPR's conclusions were adequately supported by the evidence gathered, and there

*Protected by Deliberative Process Privilege*

was no clear indication of any policy concerns that would warrant recommendations by CRCL. Nevertheless, CRCL has a separate complaint open that is looking at ICE's policies regarding agents obtaining consent to conduct a search, where the information from this complaint may be relevant and provide support for CRCL's recommendations in that matter.

**Recommendation:**

(b)(5)

**Recommendation Accepted** \_\_\_\_\_

**Not Accepted:** \_\_\_\_\_

*TJM*

**Further Action Required:**

## DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1089 11-10-ICE-0287 (b)(6)

| Data Object  | Date             | Event  | Field                | New Value                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Tracking Id | User   | Reason      |
|--------------|------------------|--------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------------|
| DhsComplaint | 2011-08-23 12:13 | Update | Executive Summary    | Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) (b)(6) (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged civil rights violatio<br>KEYWORD: ICE Warrant<br>Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged | 7865        | (b)(6) | User Change |
| DhsComplaint | 2011-08-23 12:13 | Update | Summary              | (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged                                                                                                                                                                                                                                                                                                                                              | 7865        | (b)(6) | User Change |
| DhsComplaint | 2011-08-23 12:00 | Create | Component Referenced | ICE<br>KEYWORD: ICE Warrant<br>Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged                                                                                                                                                                                                                                                   | 7865        | (b)(6) | User Change |
| DhsComplaint | 2011-08-23 12:00 | Create | Summary              | (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged                                                                                                                                                                                                                                                                                                                                              | 7865        | (b)(6) | User Change |
| DhsComplaint | 2011-08-23 12:00 | Create | Executive Summary    | Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America -                                                                                                                                                                                                                                                                                                                                        | 7865        | (b)(6) | User Change |

DHS-004-0000478

|                    |                  |        |                        |                                                                             |        |             |
|--------------------|------------------|--------|------------------------|-----------------------------------------------------------------------------|--------|-------------|
|                    |                  |        |                        | UAW, to Secretary Janet Napolitano, regarding alleged civil rights violatio |        | (b)(6)      |
| DhsComplaint       | 2011-08-23 12:00 | Create | Allegation             | (CR/CL) Civil Rights/Civil Liberty                                          | 7865   | User Change |
| DhsComplaint       | 2011-08-23 12:00 | Create | Days to Process        | 36                                                                          | 7865   | User Change |
| DhsComplaint       | 2011-08-23 12:00 | Create | Date Due to Exec Sec   | 07/28/2011                                                                  | 7865   | User Change |
| DhsComplaint       | 2011-08-23 12:00 | Create | Date to Exec Sec       | 07/18/2011                                                                  | 7865   | User Change |
| DhsComplaint       | 2011-08-23 12:00 | Create | Date to CRCL           | 07/18/2011                                                                  | 7865   | User Change |
| DhsComplaint       | 2011-08-23 12:00 | Create | Date to DHS            | 07/13/2011                                                                  | 7865   | User Change |
| DhsComplaint       | 2011-08-23 12:00 | Create | Date on Correspondence | 07/13/2011                                                                  | 7865   | User Change |
| DhsComplaint       | 2011-08-23 12:00 | Create | Control Number         | 915306                                                                      | 7865   | User Change |
| DhsComplaint       | 2011-08-23 12:00 | Create | Sender Type            | Exec Sec                                                                    | 7865   | User Change |
| DhsComplaint       | 2011-08-23 12:00 | Create | Method of Receipt      | Email                                                                       | 7865   | User Change |
| DhsComplaint       | 2011-08-23 12:00 | Create | Entry Date             | 08/23/2011                                                                  | 7865   | User Change |
| DhsComplaintAction | 2011-10-25 16:51 | Create | Action Date            | 10/24/2011                                                                  | 106273 | User Change |
| DhsComplaintAction | 2011-10-25 16:51 | Create | Action                 | Short Form                                                                  | 106273 | User Change |
| DhsComplaintAction | 2011-09-02 13:18 | Create | Action Date            | 09/02/2011                                                                  | 105928 | User Change |
| DhsComplaintAction | 2011-09-02 13:18 | Create | Primary Assignment     | (b)(6)                                                                      | 105928 | User Change |
| DhsComplaintAction | 2011-09-02 13:18 | Create | Action                 | Back from Officer                                                           | 105928 | User Change |
| DhsComplaintAction | 2011-09-02 13:18 | Create | Comments               | Short Form assign to (b)(6)                                                 | 105928 | User Change |
| DhsComplaintAction | 2011-08-25 13:26 | Create | Action Date            | 08/25/2011                                                                  | 105881 | User Change |
|                    |                  |        |                        | On August 16, 2011, Jeffrey Blumberg,                                       |        |             |

|                      |                  |        |                   |                                                                                                                                                       |        |        |             |
|----------------------|------------------|--------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|
| DhsComplaintAction   | 2011-08-25 13:26 | Create | Comments          | Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it (b)(5)                                       | 105881 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-08-25 13:26 | Create | Action            | Awaiting Recommendation                                                                                                                               | 105881 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-08-25 13:25 | Create | Action Date       | 08/25/2011                                                                                                                                            | 105880 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-08-25 13:25 | Create | Document          | 11-10-ICE-0287 (OIG Response 8.25.2011).pdf                                                                                                           | 105880 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-08-25 13:25 | Create | Action            | IG Declines/Back from IG                                                                                                                              | 105880 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-08-23 12:53 | Create | Action Date       | 08/23/2011                                                                                                                                            | 105860 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-08-23 12:53 | Create | Action            | Sent to IG                                                                                                                                            | 105860 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-08-23 12:52 | Create | Action Date       | 08/16/2011                                                                                                                                            | 105859 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-08-23 12:52 | Create | Comments          | On August 16, 2011, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it (b)(5) | 105859 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-08-23 12:52 | Create | Action            | Open a Complaint                                                                                                                                      | 105859 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-12-05 13:12 | Create | Internal Summary  | Summary to be written.                                                                                                                                | 106650 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-12-05 13:12 | Create | Document          | SHORT FORM (b)(6) 11-10-ICE-0287_Signed 11-22-11.pdf                                                                                                  | 106650 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-12-05 13:12 | Create | Action Date       | 11/22/2011                                                                                                                                            | 106650 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-12-05 13:12 | Create | Action            | Closed - Short Form/No Further Action                                                                                                                 | 106650 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-12-05 13:12 | Create | Reporting Summary | Summary to be written.                                                                                                                                | 106650 | (b)(6) | User Change |
| DhsComplaintDocument | 2011-12-05 13:10 | Update | Document 2        | SHORT FORM (b)(6) 11-10-ICE-0287_Signed 11-22-                                                                                                        | 85584  | (b)(6) | User Change |



|                      |                  |        |                        |                                                               |       |        |             |
|----------------------|------------------|--------|------------------------|---------------------------------------------------------------|-------|--------|-------------|
|                      |                  |        |                        | 11.pdf                                                        |       | (b)(6) |             |
| DhsComplaintDocument | 2011-11-22 13:25 | Create | Foreign Language       | No                                                            | 85584 |        | User Change |
| DhsComplaintDocument | 2011-11-22 13:25 | Create | Document 1             | CRCL Close Letter Complaint No. 11-10-ICE-0287.pdf            | 85584 |        | User Change |
| DhsComplaintDocument | 2011-11-22 13:25 | Create | Document Type          | Closed Letter                                                 | 85584 |        | User Change |
| DhsComplaintDocument | 2011-11-22 13:25 | Create | Dateentered            | 11/22/2011                                                    | 85584 |        | User Change |
| DhsComplaintDocument | 2011-08-23 12:06 | Update | Document 3             | 7 18 2011 (b)(6) supplemental-ICE OPR review findings.pdf     | 84894 |        | User Change |
| DhsComplaintDocument | 2011-08-23 12:03 | Create | Foreign Language       | No                                                            | 84895 |        | User Change |
| DhsComplaintDocument | 2011-08-23 12:03 | Create | Dateentered            | 08/23/2011                                                    | 84895 |        | User Change |
| DhsComplaintDocument | 2011-08-23 12:03 | Create | Document Type          | Acknowledgement Letter                                        | 84895 |        | User Change |
| DhsComplaintDocument | 2011-08-23 12:03 | Create | Document 1             | 7 29 2011 915306 DHS CRCL letter to (b)(6) of UAW Detroit.pdf | 84895 |        | User Change |
| DhsComplaintDocument | 2011-08-23 12:02 | Create | Document 2             | 7 25 2011 (b)(6) Rep. Conyers Letter.pdf                      | 84894 |        | User Change |
| DhsComplaintDocument | 2011-08-23 12:02 | Create | Foreign Language       | No                                                            | 84894 |        | User Change |
| DhsComplaintDocument | 2011-08-23 12:02 | Create | Dateentered            | 08/23/2011                                                    | 84894 |        | User Change |
| DhsComplaintDocument | 2011-08-23 12:02 | Create | Document Type          | Incoming Letter                                               | 84894 |        | User Change |
| DhsComplaintDocument | 2011-08-23 12:02 | Create | Document 1             | 7 18 2011 (b)(6) pdf                                          | 84894 |        | User Change |
| DhsComplaintIssue    | 2011-08-23 12:12 | Create | Ongoing                | No                                                            | 13118 |        | User Change |
| DhsComplaintIssue    | 2011-08-23 12:12 | Create | Situation              | DHS law enforcement activity                                  | 13118 |        | User Change |
| DhsComplaintIssue    | 2011-08-23 12:12 | Create | Incident Location Type | Residence                                                     | 13118 |        | User Change |
| DhsComplaintIssue    | 2011-08-23 12:12 | Create | Redirect to Subject    | No                                                            | 13118 |        | User Change |
| DhsComplaintIssue    | 2011-08-23 12:12 | Create | (b)(5)                 | (b)(5)                                                        | 13118 |        | User Change |

|                             |                  |        |                        |                              |       |        |             |
|-----------------------------|------------------|--------|------------------------|------------------------------|-------|--------|-------------|
| DhsComplaintIssue           | 2011-08-23 12:12 | Create | Primary Issue          | No                           | 13118 | (b)(6) | User Change |
| DhsComplaintIssue           | 2011-08-23 12:11 | Create | State                  | Michigan - MI                | 13117 |        | User Change |
| DhsComplaintIssue           | 2011-08-23 12:11 | Create | Ongoing                | No                           | 13117 |        | User Change |
| DhsComplaintIssue           | 2011-08-23 12:11 | Create | Situation              | DHS law enforcement activity | 13117 |        | User Change |
| DhsComplaintIssue           | 2011-08-23 12:11 | Create | Incident Location Type | Residence                    | 13117 |        | User Change |
| DhsComplaintIssue           | 2011-08-23 12:11 | Create | Incident Date          | 01/03/2011                   | 13117 |        | User Change |
| DhsComplaintIssue           | 2011-08-23 12:11 | Create | Redirect to Subject    | No                           | 13117 |        | User Change |
| DhsComplaintIssue           | 2011-08-23 12:11 | Create | City                   | Pontiac                      | 13117 |        | User Change |
| DhsComplaintIssue           | 2011-08-23 12:11 | Create | (b)(5)                 | (b)(5)                       | 13117 |        | User Change |
| DhsComplaintIssue           | 2011-08-23 12:11 | Create | Primary Issue          | Yes                          | 13117 |        | User Change |
| DhsComplaintIssue           | 2011-08-23 12:11 | Create | Incident Location      | Walton Manor Trailer Park    | 13117 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:16 | Create | Prefix                 | Ms                           | 22169 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:16 | Create | Last Name              | (b)(6)                       | 22169 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:16 | Create | Contact Type           | On Behalf Of                 | 22169 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:16 | Create | First Name             | (b)(6)                       | 22169 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:15 | Create | Prefix                 | Mrs                          | 22168 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:15 | Create | Zip Code               | 48214                        | 22168 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:15 | Create | Phone                  | (b)(6)                       | 22168 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:15 | Create | Other Organization     | UAW                          | 22168 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:15 | Create | Organization           | Other                        | 22168 |        | User Change |

|                             |                  |        |                |                          |       |        |             |
|-----------------------------|------------------|--------|----------------|--------------------------|-------|--------|-------------|
| DhsComplaintPartiesInvolved | 2011-08-23 12:15 | Create | Address Line 1 | 8000 East Jefferson Ave. | 22168 | (b)(6) | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:15 | Create | State          | Michigan - MI            | 22168 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:15 | Create | City           | Detroit                  | 22168 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:15 | Create | Last Name      | (b)(6)                   | 22168 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:15 | Create | Contact Type   | Sender                   | 22168 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 12:15 | Create | First Name     | (b)(6)                   | 22168 |        | User Change |

**From:** (b)(6)  
**To:**  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-10-ICE-0289  
**Date:** Tuesday, August 30, 2011 9:21:31 AM

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

(b)(5)

If you have any questions concerning this matter, you may contact (b)(6) Deputy Assistant Inspector General for Investigations-Field Operations at 202-(b)(6)

**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, August 23, 2011 3:21 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** CRCL Complaint Number 11-10-ICE-0289

(b)(6)

Summary of new complaint for your review:

On July 18, 2011, CRCL received an Exec Sec tasker(WF#915306) in regards to correspondence dated July 13, 2011 sent to Secretary Janet Napolitano, from (b)(6) of United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), alleging incidents of profiling and conditions of detention in the Detroit, Michigan area involving ICE and CBP.

(b)(6) of UAW on behalf of (b)(6) a Lawful Permanent Resident (LPR), and her son, (b)(6) a US Citizen, alleging that in February 2011 in Grand Rapids, Michigan, when pulling into their relatives' driveway for a visit, unidentified ICE agents ran toward them, pointed a gun at (b)(6) ordered him to show ID, which they both showed driver's license. Allegedly, then Ice handcuffed (b)(6) and escorted her to the back of the car where an agent held a gun to her back and repeatedly banged her head into the trunk of the car yelling at her to admit she was (b)(6) Finally, ICE escorted a handcuffed (b)(6) into an apartment where they were interrogated.

Thank you.

-----

(b)(6)

Program Analyst

Compliance Branch

Office for Civil Rights & Civil Liberties

Department of Homeland Security



# Homeland Security

September 25, 2012

(b)(6)

International Union, United Automobile, Aerospace,  
and Agricultural Implement Workers of American (UAW)  
8000 E. Jefferson Avenue  
Detroit, MI 48214

Re: Complaint No. 11-10-ICE-0289

(b)(6)

Dear (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) on July 13, 2011, which raised a series of allegations regarding the treatment of individuals by the U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP). In particular, one of your allegations involved the treatment of (b)(6) by ICE agents in Grand Rapids, Michigan. In the complaint, you allege that ICE agents improperly detained, interrogated, and assaulted (b)(6) when they attempted to visit relatives.

In a letter sent to you on July 29, 2011, CRCL informed you that our office would review the allegations raised in your complaint and determine the appropriate course of action to take in investigating it. Since receipt of the complaint, however, we have learned that a lawsuit has been filed on behalf of (b)(6) in the United States District Court for the Western District of Michigan regarding the same incident referenced in your complaint. The lawsuit is against a number of defendants, including two ICE agents. Since the Court will be addressing the allegation in your complaint involving (b)(6) CRCL has decided to monitor this litigation and wait for it to conclude before finalizing our investigation of this particular allegation. When the litigation concludes, CRCL will contact you if our office intends to take any further action on this matter.

We appreciate your bringing this matter to our attention. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



Homeland  
Security

September 25, 2012

(b)(6)

ACLU of Michigan  
89 Ionia NW, Suite 300  
Grand Rapids, MI 49503  
(b)(6)@aclumich.org

Re: Complaint No. 11-10-ICE-0289

(b)(6)

Dear (b)(6)

This letter is a follow-up to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of American (UAW) regarding the treatment of your clients, (b)(6) by agents of U.S. Immigration and Customs Enforcement (ICE). The complaint alleges that ICE agents improperly detained, interrogated, and assaulted your clients in Grand Rapids, Michigan, when they attempted to visit relatives.

In a letter sent on July 29, 2011, CRCL informed the UAW that our office would review the allegations raised in the complaint and determine the appropriate course of action to take in investigating it. Since receipt of this complaint, however, we have learned that you have filed a lawsuit on behalf of your clients in the United States District Court for the Western District of Michigan regarding the same incident referenced in the complaint. The lawsuit is against a number of defendants, including two ICE agents. Since the Court will be addressing the same allegations that were made in the complaint, CRCL has decided to monitor this litigation and wait for it to conclude before finalizing our investigation of the complaint. When the litigation concludes, CRCL will contact you if our office intends to take any further action on this matter.

We appreciate your bringing this matter to our attention. If you have additional information or allegations regarding inappropriate treatment by DHS officials, please do not hesitate to provide it.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Blumberg".

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security





State Headquarters  
2000 Michigan Avenue  
Detroit, Michigan 48226  
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Fax: 313.233.7301  
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June 13, 2011

(b)(6),(b)(7)(C)

Senior Special Agent  
Department of Homeland Security  
Office of Professional Responsibility  
9450 W. Bryn Mawr, Suite 650  
Rosemont, IL 60018

(b)(6)

Deputy Chief  
United States Department of Justice  
Civil Rights Division/Criminal Section  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Re: OPR Criminal Investigation

Dear (b)(6),(b)(7)(C) and (b)(6)

On June 1, 2011, Agent (b)(6),(b)(7)(C) contacted the American Civil Liberties Union of Michigan in response to a press release (see attached) regarding the unlawful conduct by agents of Immigration and Customs Enforcement (ICE) against our clients. (b)(6)  
(b)(6) (b)(6),(b)(7)(C) indicated that, based on the serious nature of the allegations, which include charges that ICE agents unlawfully arrested and assaulted our clients based on the color of their skin, the Department of Homeland Security's Office of Professional Responsibility has initiated a criminal investigation. (b)(6),(b)(7)(C) requested that we make our clients available for interviews.

Since then we have had several exchanges with (b)(6),(b)(7)(C) about how such interviews might take place, in light of the fact that our clients have filed an administrative complaint under the Federal Tort Claims Act which, if unresolved, could well result in civil litigation. We include the Department of Justice Civil Rights Division Criminal Section on this correspondence, as we believe that one possible approach going forward is for the criminal investigation to be handled by DOJ's Civil Rights Division Criminal Section. Given that the arrest and assault of our clients occurred after our clients showed valid identification, and therefore seems to have been based solely on the fact that they appeared Hispanic, it would be appropriate for the investigation and potential prosecution to be handled by the Civil Rights Division Criminal Section.

Our clients welcome the investigation into the abuse they suffered. It is critical that the ICE agents responsible for this misconduct are held accountable. There is no place in ICE enforcement operations for agents who assume that Hispanic-appearing persons are unlawfully present in the United States, much less for agents who commit assaults based on that faulty assumption. Our clients recognize that their testimony is central to the investigation, and they are eager to ensure that an investigation takes place.



At the same time, before our clients agree to participate, they need reassurance that the goal of any investigation is to uncover and address ICE misconduct, not to impose a one-sided discovery process for use against our clients or their family members in any subsequent administrative or civil proceedings. This issue is of particular concern since the entities responsible for making determinations regarding potential criminal liability of the agents are potentially the same entities responsible for defending ICE in civil litigation. Specifically, (b)(6),(b)(7)(C) indicated that the Department of Homeland Security's Office of the Principal Legal Advisor (OPLA) would both be privy to all statements made during the criminal investigation, and would at the same time participate in defending ICE in any civil litigation. Moreover, we would note that if any criminal proceedings are prosecuted by the local U.S. Attorney's Office, that Office might well also be responsible for the defense of any civil suit.

We are hopeful that we can reach agreement on a process that would allow our clients to cooperate with a criminal investigation, while ensuring that their interests are protected. We see three possible avenues by which such an investigation could proceed.

That first alternative would be for the criminal investigation to be conducted directly by the Department of Justice's Civil Rights Division Criminal Section. While it is our understanding that an OPR investigation is necessary for officer discipline (which could occur subsequent to the criminal investigation), OPR is not the only entity with jurisdiction to pursue a criminal investigation. Given the allegations here, investigation by the Civil Rights Division Criminal Section would be appropriate. Although theoretically the local U.S. Attorney's office could also handle the investigation, that raises potential conflict issues. Not only may the U.S. Attorney's Office for the Western District potentially handle the civil litigation, but the Office may well be relying, in other criminal prosecutions, on testimony by the very agents under investigation here.

If the Civil Rights Division pursues the investigation, we would need to ensure that any statements made to investigators or attorneys in the Civil Rights Division not be disclosed beyond that Division to DOJ attorneys responsible for defending the civil litigation or to the Department of Homeland Security's Office of the Principal Legal Advisor. We assume that the Civil Rights Division has experience creating firewalls in such situations, and that those standard conflict protections would apply. To further ensure that our clients' interests are protected, we would also ask that counsel be allowed to be present during any testimony by our clients in front of a Grand Jury.

The second option is for OPR to continue handling the investigation. In order for our clients to be available for interviews by OPR investigators, we would need to ensure that basic procedural protections be incorporated into the OPR investigation. In particular, we want to ensure that neither ICE nor its legal representatives gain an unfair advantage by accessing information or statements revealed in interviews that could be used against our clients or their family members in other legal proceedings, including civil litigation. In short, we want to make our clients available for an impartial, independent, and thorough investigation, but we cannot allow ICE to use the investigation results as a means of extrajudicial discovery. The process, as proposed by OPR, would give ICE and its legal representatives access to all of OPR's internal investigation

records, while we would have no parallel right of access to the statements of ICE agents or even to the overall results of the investigation.

In order to ensure a level playing field, we would ask for the following basic procedural protections:

- Written assurance that any statement made by our clients during the course of the investigation will not be used against them or their family members in any future administrative or legal proceedings;
- Written assurance that neither the final OPR report nor any part thereof will be used against our clients in any future proceedings;
- Written assurance that OPR will not orally or otherwise communicate the content of the interviews or the final OPR report to any person involved in administrative or civil proceedings against our clients or their family members, including, but not limited to OPLA attorneys involved in handling the FTCA complaint or related civil litigation, the Civil Divisions of the U.S. Attorneys' Offices for the Western and Eastern Districts of Michigan, any other Department of Justice Attorneys involved in the FTCA complaint or related civil litigation, and the ICE Trial Division;
- Written assurance that OPR will provide notice when the final OPR report is prepared and will provide a copy of the report upon receipt of a Freedom of Information Act Request;
- Written assurance that our clients will be interviewed with counsel present and that any interviews provided under oath will be recorded;
- Written assurance that OPR will provide us with a copy of its records of our clients' interviews within fourteen (14) days of the dates on which the interviews take place;
- Written assurance that OPR will provide us with written notice at least ten (10) days in advance of releasing any records of our clients' interviews or other statements by our clients pursuant to the Freedom of Information Act, so that we can determine whether any such release would be proper.

Since (b)(6),(b)(7)(C) has indicated that OPR itself cannot provide such assurances, those assurances would need to be provided in writing by appropriate ICE or DHS officials who have the authority to provide such assurances.

Finally, if OPR is unable to provide the assurances we have requested, we would suggest an attorney proffer. As counsel we have thoroughly investigated this case, including extensive interviews with our clients and other witnesses, and we are fully versed in the facts. We are prepared to speak for our clients and, if interviewed by OPR, can provide full information about what occurred. We are also prepared to have our clients attend such an interview. Should any

factual questions arise which counsel cannot answer, we would be able to speak to our clients privately and then relay that information to the investigating OPR agent.

We believe that this approach provides OPR with all of the evidence it will need to conduct a thorough and fair investigation, without prejudicing our clients' civil claims. If the information gained by OPR through the attorney proffer and other sources results in this case being accepted for criminal prosecution, we would then make our clients available directly to the prosecuting attorney, provided that conflict protections are in place.

Let me reiterate that our clients are eager to participate in the investigation and are eager to see the agents involved held accountable. While we cannot prejudice our clients' interests for the sake of the investigation, we are confident that one of the solutions outlined above will allow both the criminal investigation and the civil claims to move forward.

We look forward to hearing from you.

Sincerely,

(b)(6)

Staff Attorney  
West Michigan Regional Office  
616-(b)(6)

(b)(6)

(b)(6)

616-(b)(6)

(b)(6)

Michigan Immigrants Rights Center  
269-(b)(6)

**From:** (b)(6)  
**To:**  
**Subject:** RE: Complaint No. 11-10-ICE-0289  
**Date:** Wednesday, July 11, 2012 10:28:51 AM

(b)(6) It was one of the UAW complaints.

**From:** (b)(6)  
**Sent:** Wednesday, July 11, 2012 10:26 AM  
**To:** (b)(6)  
**Subject:** Re: Complaint No. 11-10-ICE-0289

Which one is it? Name?

**From:** (b)(6)  
**Sent:** Wednesday, July 11, 2012 02:17 PM  
**To:** (b)(6)  
**Subject:** Complaint No. 11-10-ICE-0289

Just wanted to let you know that the IG has administratively closed its investigation into this complaint without a report. According to the OIG, OPR conferred with CRCL on this complaint prior to OIG involvement. If you've been holding off on working on this complaint because the IG was investigating, you can start working on it again (b)(6)

(b)(6)

(b)(6)  
Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
Department of Homeland Security  
(202) 357-(b)(6)  
(b)(6)@dhs.gov

=====  
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=====

**From:** (b)(6),(b)(7)  
**To:** Blumberg, Jeffrey; (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: UAW Close Letter (Litigation)  
**Date:** Friday, September 14, 2012 9:55:52 AM

I am not sure if particular what types of recommendations might come out of this- but it is an

(b)(5)

**From:** Blumberg, Jeffrey  
**Sent:** Thursday, September 13, 2012 8:29 PM  
**To:** (b)(6)  
**Cc:** (b)(6),(b)(7)(C) (b)(6)  
**Subject:** RE: UAW Close Letter (Litigation)

Fine to close. (b)(5)

(b)(5)

(b)(5) Anything in particular with this one that we know we will be interested in?

**From:** (b)(6)  
**Sent:** Thursday, September 13, 2012 5:02 PM  
**To:** Blumberg, Jeffrey  
**Cc:** (b)(6)  
**Subject:** FW: UAW Close Letter (Litigation)

#6.

---

(b)(6)  
Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
(202) 357-(b)(6)  
(b)(6) @dhs.gov

*This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security's Office of the General Counsel before disclosing any information*

*contained in this email.*

**From:** (b)(6)  
**Sent:** Wednesday, September 12, 2012 4:38 PM  
**To:** (b)(6)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** UAW Close Letter (Litigation)

Hello (b)(6)

Thanks to you and (b)(6),(b)(7)(C) attached are the close letters based on the pending litigation for this case. One is for the UAW and the other is for the attorney representing the individuals who we also spoke with about this case.

Complaint No. 11-10-ICE-0289

(b)(6)

If you need any changes etc. you can send them to (b)(6),(b)(7)(C) and either of you can feel free to close the case in my absence – unless it happens tomorrow. I am also happy to do it when I get back.

(b)(6),(b)(7)(C) – if it falls to you, and you have not done this, we just put a short summary in the database indicating why the case was closed.

Thanks again!!

(b)(6)

DHS/TSA Civil Rights

## DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1093 11-10-ICE-0289 (b)(6)

| Data Object        | Date             | Event  | Field                  | New Value                                                                                                                                                                                                                               | Tracking Id | User   | Reason      |
|--------------------|------------------|--------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------------|
| DhsComplaint       | 2011-08-23 13:31 | Create | Entry Date             | 08/23/2011                                                                                                                                                                                                                              | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Method of Receipt      | Email                                                                                                                                                                                                                                   | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Sender Type            | Exec Sec                                                                                                                                                                                                                                | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Control Number         | 915306                                                                                                                                                                                                                                  | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Date on Correspondence | 07/13/2011                                                                                                                                                                                                                              | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Date to DHS            | 07/13/2011                                                                                                                                                                                                                              | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Date to CRCL           | 07/18/2011                                                                                                                                                                                                                              | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Date to Exec Sec       | 07/18/2011                                                                                                                                                                                                                              | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Date Due to Exec Sec   | 07/28/2011                                                                                                                                                                                                                              | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Days to Process        | 36                                                                                                                                                                                                                                      | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Allegation             | (CR/CL) Civil Rights/Civil Liberty                                                                                                                                                                                                      | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Executive Summary      | Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged civil rights violatio | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Summary                | Contact-DHS-11-1034 is the July 13, 2011 letter from (b)(6) International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW, to Secretary Janet Napolitano, regarding alleged civil rights violatio | 7869        | (b)(6) | User Change |
| DhsComplaint       | 2011-08-23 13:31 | Create | Component Referenced   | ICE                                                                                                                                                                                                                                     | 7869        | (b)(6) | User Change |
| DhsComplaintAction | 2012-06-13 10:53 | Create | Action                 | Back from Officer                                                                                                                                                                                                                       | 107699      | (b)(6) | User Change |
| DhsComplaintAction | 2012-06-13 10:53 | Create | Action Date            | 08/29/2011                                                                                                                                                                                                                              | 107699      | (b)(6) | User Change |
| DhsComplaintAction | 2012-06-13 10:53 | Create | Comments               | 06/13/2012 - Assigned to (b)(6)                                                                                                                                                                                                         | 107699      | (b)(6) | User Change |
| DhsComplaintAction | 2012-06-13 10:53 | Create | Primary Assignment     | (b)(6)                                                                                                                                                                                                                                  | 107699      | (b)(6) | User Change |
| DhsComplaintAction | 2012-09-11 15:11 | Create | Action Date            | 09/11/2012                                                                                                                                                                                                                              | 108297      | (b)(6) | User Change |
| DhsComplaintAction | 2012-09-11 15:11 | Create | Document               | 7_29_2011_915306_DHS_CRCL_letter_to (b)(6) of_UAW_Detroit.pdf                                                                                                                                                                           | 108297      | (b)(6) | User Change |
| DhsComplaintAction | 2012-09-11 15:11 | Create | Action                 | Acknowledgement Letter Sent                                                                                                                                                                                                             | 108297      | (b)(6) | User Change |
| DhsComplaintAction | 2012-09-25 12:35 | Create | Action Date            | 09/25/2012                                                                                                                                                                                                                              | 108387      | (b)(6) | User Change |
| DhsComplaintAction | 2012-09-25 12:35 | Create | Document               | CRCL 11-10-ICE-0289 Close letter UAW.pdf                                                                                                                                                                                                | 108387      | (b)(6) | User Change |
| DhsComplaintAction | 2012-09-25 12:35 | Create | Action                 | Closed - Retained/Monitoring                                                                                                                                                                                                            | 108387      | (b)(6) | User Change |
| DhsComplaintAction | 2012-09-25 12:35 | Create | Internal Summary       | (b)(6) to add summary                                                                                                                                                                                                                   | 108387      | (b)(6) | User Change |

DHS-004-0000496



|                      |                  |                          |                                                         |        |        |             |
|----------------------|------------------|--------------------------|---------------------------------------------------------|--------|--------|-------------|
| DhsComplaintAction   | 2012-09-25 12:35 | Create Reporting Summary | (b)(6) to add summary                                   | 108387 | (b)(6) | User Change |
| DhsComplaintAction   | 2011-08-23 15:21 | Create Action            | Open a Complaint                                        | 105863 |        | User Change |
| DhsComplaintAction   | 2011-08-23 15:21 | Create Action Date       | 08/16/2011                                              | 105863 |        | User Change |
| DhsComplaintAction   | 2011-08-23 15:21 | Create Action            | Sent to IG                                              | 105864 |        | User Change |
| DhsComplaintAction   | 2011-08-23 15:21 | Create Action Date       | 08/23/2011                                              | 105864 |        | User Change |
| DhsComplaintAction   | 2011-08-30 09:29 | Create Action            | IG Keeps                                                | 105905 |        | User Change |
| DhsComplaintAction   | 2011-08-30 09:29 | Create Document          | 11-10-ICE-0289 (OIG Response 8.30.2011)IG Keep.pdf      | 105905 |        | User Change |
| DhsComplaintAction   | 2011-08-30 09:29 | Create Action Date       | 08/30/2011                                              | 105905 |        | User Change |
| DhsComplaintDocument | 2012-09-25 12:36 | Create Document 1        | CRCL 11-10-ICE-0289 Close letter.pdf                    | 87919  |        | User Change |
| DhsComplaintDocument | 2012-09-25 12:36 | Create Foreign Language  | No                                                      | 87919  |        | User Change |
| DhsComplaintDocument | 2012-09-25 12:36 | Create Dateentered       | 09/25/2012                                              | 87919  |        | User Change |
| DhsComplaintDocument | 2012-09-25 12:36 | Create Document Type     | Closed Letter                                           | 87919  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:41 | Create Document 1        | OPR Report.pdf                                          | 89206  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:41 | Create Document 3        | Affidavit_Rights_and_Warnings_of (b)(6),(b)(7) pdf      | 89206  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:41 | Create Foreign Language  | No                                                      | 89206  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:41 | Create Document 5        | Affidavit_Rights_and_Warnings_of SSDO (b)(6),(b)(7) pdf | 89206  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:41 | Create Document 2        | Affidavit_Rights_and_Warnings_of (b)(6),(b)(7) pdf      | 89206  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:41 | Create Document 4        | Affidavit, rights and warnings of (b)(6),(b)(7) pdf     | 89206  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:41 | Create Document Type     | ROI                                                     | 89206  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:41 | Create Dateentered       | 01/24/2013                                              | 89206  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:42 | Create Document 1        | Affidavit_and_Rights_and_warnings_of (b)(6),(b)(7) pdf  | 89207  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:42 | Create Foreign Language  | No                                                      | 89207  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:42 | Create Document Type     | ROI                                                     | 89207  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:42 | Create Dateentered       | 01/24/2013                                              | 89207  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:44 | Create Document 1        | Document - ICE FOIA.pdf                                 | 89208  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:44 | Create Comments          | ICE FOIA                                                | 89208  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:44 | Create Foreign Language  | No                                                      | 89208  |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:44 | Create Document 2        | RESPONSE_ TASKING FOIA 11-9091 .pdf                     | 89208  |        | User Change |

|                      |                  |                         |                                                           |       |        |             |
|----------------------|------------------|-------------------------|-----------------------------------------------------------|-------|--------|-------------|
| DhsComplaintDocument | 2013-01-24 09:44 | Create Document Type    | Miscellaneous Material/Other                              | 89208 | (b)(6) | User Change |
| DhsComplaintDocument | 2013-01-24 09:44 | Create Dateentered      | 01/24/2013                                                | 89208 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:46 | Create Document 1       | (b)(6),(b)(7)(C) Affidavit_and_Rights_and_Warnings.pdf    | 89209 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:46 | Create Foreign Language | No                                                        | 89209 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:46 | Create Document 2       | FW 11-10-ICE-0289 - OPR.pdf                               | 89209 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:46 | Create Document Type    | ROI                                                       | 89209 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:46 | Create Dateentered      | 01/24/2013                                                | 89209 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:48 | Create Document 1       | RE_ UAW Close Letter (Litigation) (internal).pdf          | 89210 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:48 | Create Document 3       | RE_ Complaint No. 11-10-ICE-0289.pdf                      | 89210 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:48 | Create Comments         | Emails / Other                                            | 89210 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:48 | Create Foreign Language | No                                                        | 89210 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:48 | Create Document 5       | Letter to (b)(6) re Criminal Investigation 11.6.13.pdf    | 89210 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:48 | Create Document 2       | Michigan case .pdf                                        | 89210 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:48 | Create Document 4       | FW (b)(6) investigation.pdf                               | 89210 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:48 | Create Document Type    | Miscellaneous Material/Other                              | 89210 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:48 | Create Dateentered      | 01/24/2013                                                | 89210 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:49 | Create Document 1       | RE_ Complaint No. 11-10-ICE-0289.pdf                      | 89211 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:49 | Create Comments         | OIG Admin Closed email.                                   | 89211 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:49 | Create Foreign Language | No                                                        | 89211 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:49 | Create Document Type    | Miscellaneous Material/Other                              | 89211 |        | User Change |
| DhsComplaintDocument | 2013-01-24 09:49 | Create Dateentered      | 01/24/2013                                                | 89211 |        | User Change |
| DhsComplaintDocument | 2011-08-23 13:37 | Create Document 3       | 7 18 2011 (b)(6) supplemental-ICE OPR review findings.pdf | 84904 |        | User Change |
| DhsComplaintDocument | 2011-08-23 13:37 | Create Document 1       | 7 18 2011 (b)(6) pdf                                      | 84904 |        | User Change |
| DhsComplaintDocument | 2011-08-23 13:37 | Create Document Type    | Incoming Letter                                           | 84904 |        | User Change |
| DhsComplaintDocument | 2011-08-23 13:37 | Create Dateentered      | 08/23/2011                                                | 84904 |        | User Change |
| DhsComplaintDocument | 2011-08-23 13:37 | Create Foreign Language | No                                                        | 84904 |        | User Change |
| DhsComplaintDocument | 2011-08-23 13:37 | Create Document 2       | 7 25 2011 (b)(6) Rep. Conyers Letter.pdf                  | 84904 |        | User Change |
| DhsComplaintIssue    | 2012-05-01 11:03 | Create Incident Date    | 07/13/2011                                                | 13485 |        | User Change |

|                             |                  |        |                     |                              |       |        |             |
|-----------------------------|------------------|--------|---------------------|------------------------------|-------|--------|-------------|
| DhsComplaintIssue           | 2012-05-01 11:03 | Create | Ongoing             | No                           | 13485 | (b)(6) | User Change |
| DhsComplaintIssue           | 2012-05-01 11:03 | Create | Situation           | DHS law enforcement activity | 13485 |        | User Change |
| DhsComplaintIssue           | 2012-05-01 11:03 | Create | Redirect to Subject | No                           | 13485 |        | User Change |
| DhsComplaintIssue           | 2012-05-01 11:03 | Create | (b)(5)              | (b)(5)                       | 13485 |        | User Change |
| DhsComplaintIssue           | 2012-05-01 11:03 | Create | Primary Issue       | Yes                          | 13485 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 13:52 | Create | First Name          | (b)(6)                       | 22180 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 13:52 | Create | Contact Type        | Sender                       | 22180 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 13:52 | Create | Last Name           | (b)(6)                       | 22180 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 13:52 | Create | City                | Detroit                      | 22180 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 13:52 | Create | State               | Michigan - MI                | 22180 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 13:52 | Create | Address Line 1      | 8000 East Jefferson Ave.     | 22180 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 13:52 | Create | Organization        | Other                        | 22180 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 13:52 | Create | Other Organization  | UAW                          | 22180 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 13:52 | Create | Phone               | 313 (b)(6)                   | 22180 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 13:52 | Create | Zip Code            | 48214                        | 22180 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 13:52 | Create | Prefix              | Mrs                          | 22180 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 15:19 | Create | First Name          | (b)(6)                       | 22181 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 15:19 | Create | Contact Type        | On Behalf Of                 | 22181 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 15:19 | Create | Last Name           | (b)(6)                       | 22181 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 15:19 | Create | Prefix              | Mrs                          | 22181 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 15:20 | Create | First Name          | (b)(6)                       | 22182 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 15:20 | Create | Contact Type        | On Behalf Of                 | 22182 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 15:20 | Create | Last Name           | (b)(6)                       | 22182 |        | User Change |
| DhsComplaintPartiesInvolved | 2011-08-23 15:20 | Create | Prefix              | Mr                           | 22182 |        | User Change |

**Dent, Martina**

---

**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, October 04, 2011 10:25 AM  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-10-ICE-0309

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6)@dhs.gov]  
**Sent:** Monday, October 03, 2011 1:31 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** CRCL Complaint Number 11-10-ICE-0309

(b)(6)

Summary of new complaint for your review:

On July 1, 2011, CRCL received informal email correspondence from the National Alliance of La Raza in regard to concerns that were first reported verbally to Secretary Napolitano by the CEO of NewCapital LLC, (b)(6). (b)(6) Allegedly, over labor day weekend of 2010, ICE officers entered a building in the Los Angeles metropolitan area that is managed by NewCapital LLC, then at 3:00 am detained a mother and two children, 7 and 12 years of age were left behind, alone until family members came to get them because tenants in the building contacted them.

The name of the detained mother and children are unknown.

In addition, allegedly ICE agents were also parked outside of the building for three days waiting for tenants that they wanted to pick up. The property manager spoke to the agents and asked if they had warrants and the ICE agents responded that they did not and eventually left.

Thank you.

-----  
(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)

**From:** (b)(6)  
**Sent:** Tuesday, September 27, 2011 4:23 PM  
**To:** (b)(6)  
**Subject:** FW: NCLR board member

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

(b)(6)

Please go ahead and log in the matter below as a **Complaint**. No acknowledgement letter needs to be sent.

(b)(5) Recommend that it be assigned to me. I'll upload the emails I sent to NewCapital LLC after this is logged in. I haven't received any response to my latest email to (b)(6). We have no identifying information about the individual removed or specific location where the ICE operation took place (somewhere in the Los Angeles metropolitan area, presumably).

Thanks,

(b)(6)

**From:** (b)(6)  
**Sent:** Tuesday, September 13, 2011 10:00 AM  
**To:** (b)(6)  
**Subject:** RE: NCLR board member

Hi (b)(6)

Please log this in only as a Contact/Info Tracking matter for now. I've contacted (b)(6) several times in writing and by phone since July 20, 2011, and to date she has not responded with any information identifying the name of the person removed or any other details about the allegations.

Margo asked about the status last month and (b)(5)  
(b)(5) I'll keep you posted. (b)(6) email auto-reply said that she was out of the office until September 7, 2011. So far, after she returned to the office, I have not heard from her.

(b)(6)

202-357-

(b)(6)

(b)(6)

@hq.dhs.gov

**From:** (b)(6)  
**Sent:** Tuesday, September 13, 2011 9:42 AM  
**To:** (b)(6)  
**Subject:** RE: NCLR board member

Hi (b)(6)

Want to let you know that this email below got lost in my archives; therefore, it has not been processed yet. I am processing it now and opening it as a complaint. Have there been any new developments in the matter that I need to note in Entellitrak?

Thank you

-----  
(b)(6)  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357-(b)(6) phone)  
(202) (b)(6) bb)  
(b)(6)@dhs.gov

**From:** (b)(6)  
**Sent:** Thursday, July 21, 2011 4:15 PM  
**To:** (b)(6)  
**Subject:** FW: NCLR board member

(b)(6)

Can you please log in the ICE complaint below?

(b)(5)

(b)(5)

(b)(6)

(b)(5)

We have not yet received the formal correspondence from NEWCapital LLC. Therefore, no acknowledgement letter needs to be sent yet.

To expedite this complaint, Jeff said that CRCL will interview the complainant to get more information. (b)(6) is the POC for NewCapital LLC whose name and contact information was given to (b)(6). Whether (b)(6) will be preparing and/or signing the complaint letter to CRCL is unclear. (b)(6) contact info:

(b)(6) NEWCapital LLC

(b)(6)@newcapital-llc.com

213 (b)(6) (cell)

The National Alliance of La Raza ("La Raza") informally reported this matter to CRCL (b)(6) in the informally to CRCL, and (b)(6) from La Raza does not need to be listed as a Source in our database. The concerns were first reported verbally to Secretary Napolitano by the CEO of NEWCapital LLC, (b)(6)

Yesterday I emailed (b)(6) of NEWCapital LLC (the company that manages the property where the alleged incident occurred), to request that details about the matter be sent to CRCL in writing, if NEWCapital wants CRCL to review the concerns. (b)(6) agreed to send such correspondence.

I had first called (b)(6) this Monday to let her know how CRCL learned of this matter and to request more information. She told me at the time she had to take care of urgent matters at work, and would call me back later that day. After not hearing from her, I called her again yesterday to follow up and let her know how to file a complaint with CRCL. She apologized for not calling, saying that it has been a busy week. Later yesterday, I sent her an email to reiterate the procedure for sending a complaint to CRCL, including links to our website and the webpage with the Complaint Form.

Thanks,

(b)(6)  
202-357-(b)(6)  
(b)(6)@hq.dhs.gov

**From:** Blumberg, Jeffrey  
**Sent:** Sunday, July 17, 2011 9:27 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** FW: NCLR board member

Can we also discuss this one on Thursday?

Thanks,

Jeff

**From:** (b)(6)@dhs.gov]  
**Sent:** Wednesday, July 13, 2011 7:22 PM  
**To:** Blumberg, Jeffrey (b)(6)  
**Cc:** (b)(6)  
**Subject:** Re: NCLR board member

Sure. If you could just keep me informed of major milestones that you can share: had the initial call, decided to open an investigation, on-going, etc that would be great. NCLR asked for updates too. Of course do let us know if there are stuff you can't share.

(b)(6)  
Policy Advisor  
Community Engagement Section  
US Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
202-357-(b)(6) Office)  
202-(b)(6) Mobile)  
(b)(6)@dhs.gov  
Sent using BlackBerry

This message may contain agency deliberative communications, privacy information or other information that may be privileged and exempt from disclosure outside the agency or to the public. Please consult with the US Department of Homeland Security, Office for Civil Rights and Civil Liberties and the Office of General Counsel before disclosing any information contained in this email.

**From:** Blumberg, Jeffrey [mailto:(b)(6)@dhs.gov]  
**Sent:** Wednesday, July 13, 2011 04:34 PM  
**To:** (b)(6); Blumberg, Jeffrey (b)(6)  
**Cc:** (b)(6)  
**Subject:** Re: NCLR board member

Thanks (b)(6) We can make the initial call. Appreciate the help.



Jeff

**From:** (b)(6)@dhs.gov]

**Sent:** Wednesday, July 13, 2011 04:03 PM

**To:** (b)(6) Blumberg, Jeffrey (b)(6)

(b)(6)

**Subject:** Re: NCLR board member

Jeff - I finally have the contact info for the (b)(6) at NEW Capital, the company whose CEO is the NCLR Board Member.

She is the person to follow up to get more details. I can do an initial call to express our interest in getting more details for a possible investigation, but if you'd like to take over at this point I'm fine too.

In a quick chat with Margo about this she mentioned this should be a short form complaint.

The (b)(6) She can be reached at

(b)(6)@newcapital-llc.com or by cell at

213- (b)(6)

(b)(6)

Policy Advisor

Community Engagement Section

US Department of Homeland Security

Office for Civil Rights and Civil Liberties

202-357- (b)(6) (Office)

202- (b)(6) (Mobile)

(b)(6)@dhs.gov

Sent using BlackBerry

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**From:** (b)(6)

**Sent:** Monday, July 11, 2011 04:06 PM

**To:** (b)(6) Blumberg, Jeffrey (b)(6)

**Subject:** RE: NCLR board member

At this point it may be worth reaching out directly to the Board Member or her staff at her company where the incident happened. I will get the contact info. Best,

(b)(6)

DHS CRCL

W: 202-357- (b)(6)

C: 202- (b)(6)

This message may contain agency deliberative communications, privacy information or other information that may be privileged and exempt from disclosure outside the agency or to the public. Please consult with the US Department of Homeland Security, Office for Civil Rights and Civil Liberties and the Office of General Counsel before disclosing any information contained in this email.

**From:** (b)(6)  
**Sent:** Monday, July 11, 2011 1:58 PM  
**To:** (b)(6); 'Blumberg, Jeffrey'; (b)(6)  
**Subject:** RE: NCLR board member

Compliance and Engagement,

FYI, I followed up with ICE on whether there is any relevant policy to cover a situation like this and was given the following policy. I shared it with Margo (b)(5)

(b)(5)

I am sure Compliance will need additional info before opening a complaint, and perhaps it depends in part on NCLR's willingness to make this a complaint. But, I thought I'd share the policy in the meantime.

Let us know if Immigration Section can be of further assistance.

Thanks,

(b)(6)

**From:** (b)(6)  
**Sent:** Wednesday, July 06, 2011 3:18 PM  
**To:** 'Blumberg, Jeffrey'; (b)(6)  
**Subject:** FW: NCLR board member

Folks – Over the long weekend I finally heard from NCLR re: the ICE issue brought up by a Board Member to Secretary Napolitano at their meeting 2 weeks ago. The Board member is from L.A. (not Miami) . Below is a basic description of events although I am sure you will have additional questions. I already asked if we could have direct contact information/communication with the staff at NEWCapital in case we choose to request additional details.

Best,

(b)(6)

DHS CRCL

W: 202-357- (b)(6)

C: 202- (b)(6)

This message may contain agency deliberative communications, privacy information or other information that may be privileged and exempt from disclosure outside the agency or to the public. Please consult with the US Department of Homeland Security, Office for Civil Rights and Civil Liberties and the Office of General Counsel before disclosing any information contained in this email.

**From:** (b)(6)@nclr.org]  
**Sent:** Friday, July 01, 2011 12:23 PM  
**To:** (b)(6)  
**Subject:** NCLR board member

Hi (b)(6)

I apologize for the delay in responding to your message. The NCLR board member who spoke at the meeting with Secretary Napolitano about the incident of children being left behind after an immigration enforcement action was (b)(6) the CEO of NEWCapital LLC in Los Angeles, CA.

I was able to speak to the (b)(6) for NEWCapital and she gave me some info on the incident. Over labor day weekend last year, ICE officers entered a building that is managed by NEWCapital LLC (most of the tenants are working single mothers) and knocked on the door of an apartment at 3 or 4am and detained a mother who was in her pajamas. She was removed from the building in pajamas and sandals without having an opportunity to change much less make arrangements for her children who had been sleeping. The children are 7 and 12 years old and were left alone until family members came to get them because tenants in the building contacted them. The mother has since been deported to Mexico and the children are living with their father.

Apparently ICE agents were also parked outside of the building for three days waiting for tenants that they wanted to pick up. The property manager spoke to the agents and asked if they had warrants and the ICE agents responded that they did not and eventually left.

I hope this information is useful. Please feel free to contact me if I can help out in any way.  
Safe travels to the conferences!

Best,

(b)(6)

(b)(6)

Immigration Legislative Analyst  
Immigration Policy Project

**National Council of La Raza (NCLR)**

Headquarters

**MAIN** 202.785.1670

**TEL** 202 (b)(6)

**FAX** 202 (b)(6)



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